

As Passed by the Senate

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 1

Senator Reineke

**Cosponsors: Senators Cirino, Gavarone, Brenner, McColley, Romanchuk, Lang,
Wilson, Reynolds, Antani, Schuring, Huffman, S., Hoagland, O'Brien, Rulli,
Schaffer**

A BILL

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of the Revised Code that are scheduled to take	173
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changes on and after that date to rename the	175
Department of Education as the Department of	176
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of Director of Education and Workforce; and to	178
reform the functions and responsibilities of the	179
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

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5123.026, 5123.0423, 5126.04, 5126.05, 5126.23, 5126.24,	300
5139.34, 5145.06, 5162.363, 5162.365, 5502.262, 5502.263,	301
5513.04, 5703.21, 5705.216, 5705.391, 5705.412, 5709.07,	302
5709.92, 5715.26, 5715.34, 5747.057, 5747.72, 5753.11, 6109.21,	303
6301.04, 6301.11, 6301.111, 6301.112, 6301.15, 6301.21, 6301.22,	304
and 6301.23 be amended and new section 3301.13 and sections	305
3301.0731, 3301.111, 3301.132, 3301.137, 3301.138, and 3321.042	306

of the Revised Code be enacted to read as follows: 307

Sec. 5.224. The first day of March is designated as "Ohio 308
statehood day," in recognition of the date in 1803 when Ohio 309
became a state. In addition to those duties imposed on the Ohio 310
history connection under section 149.30 of the Revised Code, and 311
those duties imposed on the ~~superintendent of public instruction~~ 312
director of education and workforce under section 3301.12 of the 313
Revised Code, the Ohio history connection shall, throughout the 314
state, and the ~~superintendent~~ director shall, in all school 315
districts, encourage and promote the celebration of "Ohio 316
statehood day." 317

Sec. 5.281. Beginning in 2018, and every year thereafter, 318
the full week beginning on the first Monday in May is designated 319
as in-demand jobs week. 320

Every year during in-demand jobs week, the governor's 321
office of workforce transformation, in collaboration with the 322
departments of job and family services, education and workforce, 323
and higher education, shall organize activities to raise 324
awareness among educators, students, and parents of jobs that 325
are in demand by employers operating in this state and the 326
requirements and benefits of those jobs. The activities shall 327
include job fairs and company tours to connect middle and high 328
school students with employers. 329

Sec. 9.231. (A) (1) Subject to divisions (A) (2) and (3) of 330
this section, a governmental entity shall not disburse money 331
totaling twenty-five thousand dollars or more to any person for 332
the provision of services for the primary benefit of individuals 333
or the public and not for the primary benefit of a governmental 334
entity or the employees of a governmental entity, unless the 335
contracting authority of the governmental entity first enters 336

into a written contract with the person that is signed by the 337
person or by an officer or agent of the person authorized to 338
legally bind the person and that embodies all of the 339
requirements and conditions set forth in sections 9.23 to 9.236 340
of the Revised Code. If the disbursement of money occurs over 341
the course of a governmental entity's fiscal year, rather than 342
in a lump sum, the contracting authority of the governmental 343
entity shall enter into the written contract with the person at 344
the point during the governmental entity's fiscal year that at 345
least seventy-five thousand dollars has been disbursed by the 346
governmental entity to the person. Thereafter, the contracting 347
authority of the governmental entity shall enter into the 348
written contract with the person at the beginning of the 349
governmental entity's fiscal year, if, during the immediately 350
preceding fiscal year, the governmental entity disbursed to that 351
person an aggregate amount totaling at least seventy-five 352
thousand dollars. 353

(2) If the money referred to in division (A)(1) of this 354
section is disbursed by or through more than one state agency to 355
the person for the provision of services to the same population, 356
the contracting authorities of those agencies shall determine 357
which one of them will enter into the written contract with the 358
person. 359

(3) The requirements and conditions set forth in divisions 360
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and 361
(2) and (B) of section 9.234, divisions (A)(2) and (B) of 362
section 9.235, and sections 9.233 and 9.236 of the Revised Code 363
do not apply with respect to the following: 364

(a) Contracts to which all of the following apply: 365

(i) The amount received for the services is a set fee for 366

each time the services are provided, is determined in accordance 367
with a fixed rate per unit of time or per service, or is a 368
capitated rate, and the fee or rate is established by 369
competitive bidding or by a market rate survey of similar 370
services provided in a defined market area. The market rate 371
survey may be one conducted by or on behalf of the governmental 372
entity or an independent survey accepted by the governmental 373
entity as statistically valid and reliable. 374

(ii) The services are provided in accordance with 375
standards established by state or federal law, or by rules or 376
regulations adopted thereunder, for their delivery, which 377
standards are enforced by the federal government, a governmental 378
entity, or an accrediting organization recognized by the federal 379
government or a governmental entity. 380

(iii) Payment for the services is made after the services 381
are delivered and upon submission to the governmental entity of 382
an invoice or other claim for payment as required by any 383
applicable local, state, or federal law or, if no such law 384
applies, by the terms of the contract. 385

(b) Contracts under which the services are reimbursed 386
through or in a manner consistent with a federal program that 387
meets all of the following requirements: 388

(i) The program calculates the reimbursement rate on the 389
basis of the previous year's experience or in accordance with an 390
alternative method set forth in rules adopted by the Ohio 391
department of job and family services. 392

(ii) The reimbursement rate is derived from a breakdown of 393
direct and indirect costs. 394

(iii) The program's guidelines describe types of 395

expenditures that are allowable and not allowable under the 396
program and delineate which costs are acceptable as direct costs 397
for purposes of calculating the reimbursement rate. 398

(iv) The program includes a uniform cost reporting system 399
with specific audit requirements. 400

(c) Contracts under which the services are reimbursed 401
through or in a manner consistent with a federal program that 402
calculates the reimbursement rate on a fee for service basis in 403
compliance with United States office of management and budget 404
Circular A-87, as revised May 10, 2004. 405

(d) Contracts for services that are paid pursuant to the 406
earmarking of an appropriation made by the general assembly for 407
that purpose. 408

(B) Division (A) of this section does not apply if the 409
money is disbursed to a person pursuant to a contract with the 410
United States or a governmental entity under any of the 411
following circumstances: 412

(1) The person receives the money directly or indirectly 413
from the United States, and no governmental entity exercises any 414
oversight or control over the use of the money. 415

(2) The person receives the money solely in return for the 416
performance of one or more of the following types of services: 417

(a) Medical, therapeutic, or other health-related services 418
provided by a person if the amount received is a set fee for 419
each time the person provides the services, is determined in 420
accordance with a fixed rate per unit of time, or is a capitated 421
rate, and the fee or rate is reasonable and customary in the 422
person's trade or profession; 423

(b) Medicaid-funded services, including administrative and management services, provided pursuant to a contract or medicaid provider agreement that meets the requirements of the medicaid program. 424
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(c) Services, other than administrative or management services or any of the services described in division (B) (2) (a) or (b) of this section, that are commonly purchased by the public at an hourly rate or at a set fee for each time the services are provided, unless the services are performed for the benefit of children, persons who are eligible for the services by reason of advanced age, medical condition, or financial need, or persons who are confined in a detention facility as defined in section 2921.01 of the Revised Code, and the services are intended to help promote the health, safety, or welfare of those children or persons; 428
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(d) Educational services provided by a school to children eligible to attend that school. For purposes of division (B) (2) (d) of this section, "school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the ~~state board director~~ of education and workforce prescribes minimum education standards under section 3301.07 of the Revised Code. 439
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(e) Services provided by a foster home as defined in section 5103.02 of the Revised Code; 447
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(f) "Routine business services other than administrative or management services," as that term is defined by the attorney general by rule adopted in accordance with Chapter 119. of the Revised Code; 449
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(g) Services to protect the environment or promote 453
environmental education that are provided by a nonprofit entity 454
or services to protect the environment that are funded with 455
federal grants or revolving loan funds and administered in 456
accordance with federal law. 457

(3) The person receives the money solely in return for the 458
performance of services intended to help preserve public health 459
or safety under circumstances requiring immediate action as a 460
result of a natural or man-made emergency. 461

(C) With respect to an unincorporated nonprofit 462
association, corporation, or organization established for the 463
purpose of providing educational, technical, consulting, 464
training, financial, or other services to its members in 465
exchange for membership dues and other fees, any of the services 466
provided to a member that is a governmental entity shall, for 467
purposes of this section, be considered services "for the 468
primary benefit of a governmental entity or the employees of a 469
governmental entity." 470

Sec. 9.55. (A) As used in this section, "state agency" 471
means the house of representatives, the senate, the governor, 472
the secretary of state, the auditor of state, the treasurer of 473
state, the attorney general, the department of job and family 474
services, the department of commerce, the department of 475
developmental disabilities, the department of education and 476
workforce, the department of health, the department of aging, 477
the governor's office of advocacy for disabled persons, and the 478
civil rights commission. 479

(B) Each state agency shall install in its offices at 480
least one teletypewriter designed to receive printed messages 481
from and transmit printed messages to deaf or hearing-impaired 482

persons. 483

Sec. 102.02. (A) (1) Except as otherwise provided in 484
division (H) of this section, all of the following shall file 485
with the appropriate ethics commission the disclosure statement 486
described in this division on a form prescribed by the 487
appropriate commission: every person who is elected to or is a 488
candidate for a state, county, or city office and every person 489
who is appointed to fill a vacancy for an unexpired term in such 490
an elective office; all members of the state board of education; 491
the director, assistant directors, deputy directors, division 492
chiefs, or persons of equivalent rank of any administrative 493
department of the state; the president or other chief 494
administrative officer of every state institution of higher 495
education as defined in section 3345.011 of the Revised Code; 496
the executive director and the members of the capitol square 497
review and advisory board appointed or employed pursuant to 498
section 105.41 of the Revised Code; all members of the Ohio 499
casino control commission, the executive director of the 500
commission, all professional employees of the commission, and 501
all technical employees of the commission who perform an 502
internal audit function; the individuals set forth in division 503
(B) (2) of section 187.03 of the Revised Code; the chief 504
executive officer and the members of the board of each state 505
retirement system; each employee of a state retirement board who 506
is a state retirement system investment officer licensed 507
pursuant to section 1707.163 of the Revised Code; the members of 508
the Ohio retirement study council appointed pursuant to division 509
(C) of section 171.01 of the Revised Code; employees of the Ohio 510
retirement study council, other than employees who perform 511
purely administrative or clerical functions; the administrator 512
of workers' compensation and each member of the bureau of 513

workers' compensation board of directors; the bureau of workers' 514
compensation director of investments; the chief investment 515
officer of the bureau of workers' compensation; all members of 516
the board of commissioners on grievances and discipline of the 517
supreme court and the ethics commission created under section 518
102.05 of the Revised Code; every business manager, treasurer, 519
or superintendent of a city, local, exempted village, joint 520
vocational, or cooperative education school district or an 521
educational service center; every person who is elected to or is 522
a candidate for the office of member of a board of education of 523
a city, local, exempted village, joint vocational, or 524
cooperative education school district or of a governing board of 525
an educational service center that has a total student count of 526
twelve thousand or more as most recently determined by the 527
department of education and workforce pursuant to section 528
3317.03 of the Revised Code; every person who is appointed to 529
the board of education of a municipal school district pursuant 530
to division (B) or (F) of section 3311.71 of the Revised Code; 531
all members of the board of directors of a sanitary district 532
that is established under Chapter 6115. of the Revised Code and 533
organized wholly for the purpose of providing a water supply for 534
domestic, municipal, and public use, and that includes two 535
municipal corporations in two counties; every public official or 536
employee who is paid a salary or wage in accordance with 537
schedule C of section 124.15 or schedule E-2 of section 124.152 538
of the Revised Code; all members appointed to the Ohio livestock 539
care standards board under section 904.02 of the Revised Code; 540
all entrepreneurs in residence assigned by the LeanOhio office 541
in the department of administrative services under section 542
125.65 of the Revised Code and every other public official or 543
employee who is designated by the appropriate ethics commission 544
pursuant to division (B) of this section. 545

(2) The disclosure statement shall include all of the 546
following: 547

(a) The name of the person filing the statement and each 548
member of the person's immediate family and all names under 549
which the person or members of the person's immediate family do 550
business; 551

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 552
this section and except as otherwise provided in section 102.022 553
of the Revised Code, identification of every source of income, 554
other than income from a legislative agent identified in 555
division (A) (2) (b) (ii) of this section, received during the 556
preceding calendar year, in the person's own name or by any 557
other person for the person's use or benefit, by the person 558
filing the statement, and a brief description of the nature of 559
the services for which the income was received. If the person 560
filing the statement is a member of the general assembly, the 561
statement shall identify the amount of every source of income 562
received in accordance with the following ranges of amounts: 563
zero or more, but less than one thousand dollars; one thousand 564
dollars or more, but less than ten thousand dollars; ten 565
thousand dollars or more, but less than twenty-five thousand 566
dollars; twenty-five thousand dollars or more, but less than 567
fifty thousand dollars; fifty thousand dollars or more, but less 568
than one hundred thousand dollars; and one hundred thousand 569
dollars or more. Division (A) (2) (b) (i) of this section shall not 570
be construed to require a person filing the statement who 571
derives income from a business or profession to disclose the 572
individual items of income that constitute the gross income of 573
that business or profession, except for those individual items 574
of income that are attributable to the person's or, if the 575
income is shared with the person, the partner's, solicitation of 576

services or goods or performance, arrangement, or facilitation 577
of services or provision of goods on behalf of the business or 578
profession of clients, including corporate clients, who are 579
legislative agents. A person who files the statement under this 580
section shall disclose the identity of and the amount of income 581
received from a person who the public official or employee knows 582
or has reason to know is doing or seeking to do business of any 583
kind with the public official's or employee's agency. 584

(ii) If the person filing the statement is a member of the 585
general assembly, the statement shall identify every source of 586
income and the amount of that income that was received from a 587
legislative agent during the preceding calendar year, in the 588
person's own name or by any other person for the person's use or 589
benefit, by the person filing the statement, and a brief 590
description of the nature of the services for which the income 591
was received. Division (A) (2) (b) (ii) of this section requires 592
the disclosure of clients of attorneys or persons licensed under 593
section 4732.12 of the Revised Code, or patients of persons 594
licensed under section 4731.14 of the Revised Code, if those 595
clients or patients are legislative agents. Division (A) (2) (b) 596
(ii) of this section requires a person filing the statement who 597
derives income from a business or profession to disclose those 598
individual items of income that constitute the gross income of 599
that business or profession that are received from legislative 600
agents. 601

(iii) Except as otherwise provided in division (A) (2) (b) 602
(iii) of this section, division (A) (2) (b) (i) of this section 603
applies to attorneys, physicians, and other persons who engage 604
in the practice of a profession and who, pursuant to a section 605
of the Revised Code, the common law of this state, a code of 606
ethics applicable to the profession, or otherwise, generally are 607

required not to reveal, disclose, or use confidences of clients, 608
patients, or other recipients of professional services except 609
under specified circumstances or generally are required to 610
maintain those types of confidences as privileged communications 611
except under specified circumstances. Division (A) (2) (b) (i) of 612
this section does not require an attorney, physician, or other 613
professional subject to a confidentiality requirement as 614
described in division (A) (2) (b) (iii) of this section to disclose 615
the name, other identity, or address of a client, patient, or 616
other recipient of professional services if the disclosure would 617
threaten the client, patient, or other recipient of professional 618
services, would reveal details of the subject matter for which 619
legal, medical, or professional advice or other services were 620
sought, or would reveal an otherwise privileged communication 621
involving the client, patient, or other recipient of 622
professional services. Division (A) (2) (b) (i) of this section 623
does not require an attorney, physician, or other professional 624
subject to a confidentiality requirement as described in 625
division (A) (2) (b) (iii) of this section to disclose in the brief 626
description of the nature of services required by division (A) 627
(2) (b) (i) of this section any information pertaining to specific 628
professional services rendered for a client, patient, or other 629
recipient of professional services that would reveal details of 630
the subject matter for which legal, medical, or professional 631
advice was sought or would reveal an otherwise privileged 632
communication involving the client, patient, or other recipient 633
of professional services. 634

(c) The name of every corporation on file with the 635
secretary of state that is incorporated in this state or holds a 636
certificate of compliance authorizing it to do business in this 637
state, trust, business trust, partnership, or association that 638

transacts business in this state in which the person filing the 639
statement or any other person for the person's use and benefit 640
had during the preceding calendar year an investment of over one 641
thousand dollars at fair market value as of the thirty-first day 642
of December of the preceding calendar year, or the date of 643
disposition, whichever is earlier, or in which the person holds 644
any office or has a fiduciary relationship, and a description of 645
the nature of the investment, office, or relationship. Division 646
(A) (2) (c) of this section does not require disclosure of the 647
name of any bank, savings and loan association, credit union, or 648
building and loan association with which the person filing the 649
statement has a deposit or a withdrawable share account. 650

(d) All fee simple and leasehold interests to which the 651
person filing the statement holds legal title to or a beneficial 652
interest in real property located within the state, excluding 653
the person's residence and property used primarily for personal 654
recreation; 655

(e) The names of all persons residing or transacting 656
business in the state to whom the person filing the statement 657
owes, in the person's own name or in the name of any other 658
person, more than one thousand dollars. Division (A) (2) (e) of 659
this section shall not be construed to require the disclosure of 660
debts owed by the person resulting from the ordinary conduct of 661
a business or profession or debts on the person's residence or 662
real property used primarily for personal recreation, except 663
that the superintendent of financial institutions and any deputy 664
superintendent of banks shall disclose the names of all state- 665
chartered banks and all bank subsidiary corporations subject to 666
regulation under section 1109.44 of the Revised Code to whom the 667
superintendent or deputy superintendent owes any money. 668

(f) The names of all persons residing or transacting 669
business in the state, other than a depository excluded under 670
division (A)(2)(c) of this section, who owe more than one 671
thousand dollars to the person filing the statement, either in 672
the person's own name or to any person for the person's use or 673
benefit. Division (A)(2)(f) of this section shall not be 674
construed to require the disclosure of clients of attorneys or 675
persons licensed under section 4732.12 of the Revised Code, or 676
patients of persons licensed under section 4731.14 of the 677
Revised Code, nor the disclosure of debts owed to the person 678
resulting from the ordinary conduct of a business or profession. 679

(g) Except as otherwise provided in section 102.022 of the 680
Revised Code, the source of each gift of over seventy-five 681
dollars, or of each gift of over twenty-five dollars received by 682
a member of the general assembly from a legislative agent, 683
received by the person in the person's own name or by any other 684
person for the person's use or benefit during the preceding 685
calendar year, except gifts received by will or by virtue of 686
section 2105.06 of the Revised Code, or received from spouses, 687
parents, grandparents, children, grandchildren, siblings, 688
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 689
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 690
or any person to whom the person filing the statement stands in 691
loco parentis, or received by way of distribution from any inter 692
vivos or testamentary trust established by a spouse or by an 693
ancestor; 694

(h) Except as otherwise provided in section 102.022 of the 695
Revised Code, identification of the source and amount of every 696
payment of expenses incurred for travel to destinations inside 697
or outside this state that is received by the person in the 698
person's own name or by any other person for the person's use or 699

benefit and that is incurred in connection with the person's 700
official duties, except for expenses for travel to meetings or 701
conventions of a national or state organization to which any 702
state agency, including, but not limited to, any legislative 703
agency or state institution of higher education as defined in 704
section 3345.011 of the Revised Code, pays membership dues, or 705
any political subdivision or any office or agency of a political 706
subdivision pays membership dues; 707

(i) Except as otherwise provided in section 102.022 of the 708
Revised Code, identification of the source of payment of 709
expenses for meals and other food and beverages, other than for 710
meals and other food and beverages provided at a meeting at 711
which the person participated in a panel, seminar, or speaking 712
engagement or at a meeting or convention of a national or state 713
organization to which any state agency, including, but not 714
limited to, any legislative agency or state institution of 715
higher education as defined in section 3345.011 of the Revised 716
Code, pays membership dues, or any political subdivision or any 717
office or agency of a political subdivision pays membership 718
dues, that are incurred in connection with the person's official 719
duties and that exceed one hundred dollars aggregated per 720
calendar year; 721

(j) If the disclosure statement is filed by a public 722
official or employee described in division (B) (2) of section 723
101.73 of the Revised Code or division (B) (2) of section 121.63 724
of the Revised Code who receives a statement from a legislative 725
agent, executive agency lobbyist, or employer that contains the 726
information described in division (F) (2) of section 101.73 of 727
the Revised Code or division (G) (2) of section 121.63 of the 728
Revised Code, all of the nondisputed information contained in 729
the statement delivered to that public official or employee by 730

the legislative agent, executive agency lobbyist, or employer 731
under division (F) (2) of section 101.73 or (G) (2) of section 732
121.63 of the Revised Code. 733

(3) A person may file a statement required by this section 734
in person, by mail, or by electronic means. 735

(4) A person who is required to file a statement under 736
this section shall file that statement according to the 737
following deadlines, as applicable: 738

(a) Except as otherwise provided in divisions (A) (4) (b), 739
(c), and (d) of this section, the person shall file the 740
statement not later than the fifteenth day of May of each year. 741

(b) A person who is a candidate for elective office shall 742
file the statement no later than the thirtieth day before the 743
primary, special, or general election at which the candidacy is 744
to be voted on, whichever election occurs soonest, except that a 745
person who is a write-in candidate shall file the statement no 746
later than the twentieth day before the earliest election at 747
which the person's candidacy is to be voted on. 748

(c) A person who is appointed to fill a vacancy for an 749
unexpired term in an elective office shall file the statement 750
within fifteen days after the person qualifies for office. 751

(d) A person who is appointed or employed after the 752
fifteenth day of May, other than a person described in division 753
(A) (4) (c) of this section, shall file an annual statement within 754
ninety days after appointment or employment. 755

(5) No person shall be required to file with the 756
appropriate ethics commission more than one statement or pay 757
more than one filing fee for any one calendar year. 758

(6) The appropriate ethics commission, for good cause, may 759
extend for a reasonable time the deadline for filing a statement 760
under this section. 761

(7) A statement filed under this section is subject to 762
public inspection at locations designated by the appropriate 763
ethics commission except as otherwise provided in this section. 764

(B) The Ohio ethics commission, the joint legislative 765
ethics committee, and the board of commissioners on grievances 766
and discipline of the supreme court, using the rule-making 767
procedures of Chapter 119. of the Revised Code, may require any 768
class of public officials or employees under its jurisdiction 769
and not specifically excluded by this section whose positions 770
involve a substantial and material exercise of administrative 771
discretion in the formulation of public policy, expenditure of 772
public funds, enforcement of laws and rules of the state or a 773
county or city, or the execution of other public trusts, to file 774
an annual statement under division (A) of this section. The 775
appropriate ethics commission shall send the public officials or 776
employees written notice of the requirement not less than thirty 777
days before the applicable filing deadline unless the public 778
official or employee is appointed after that date, in which case 779
the notice shall be sent within thirty days after appointment, 780
and the filing shall be made not later than ninety days after 781
appointment. 782

Disclosure statements filed under this division with the 783
Ohio ethics commission by members of boards, commissions, or 784
bureaus of the state for which no compensation is received other 785
than reasonable and necessary expenses shall be kept 786
confidential. Disclosure statements filed with the Ohio ethics 787
commission under division (A) of this section by business 788

managers, treasurers, and superintendents of city, local, 789
exempted village, joint vocational, or cooperative education 790
school districts or educational service centers shall be kept 791
confidential, except that any person conducting an audit of any 792
such school district or educational service center pursuant to 793
Chapter 117. of the Revised Code may examine the disclosure 794
statement of any business manager, treasurer, or superintendent 795
of that school district or educational service center. 796
Disclosure statements filed with the Ohio ethics commission 797
under division (A) of this section by the individuals set forth 798
in division (B) (2) of section 187.03 of the Revised Code shall 799
be kept confidential. The Ohio ethics commission shall examine 800
each disclosure statement required to be kept confidential to 801
determine whether a potential conflict of interest exists for 802
the person who filed the disclosure statement. A potential 803
conflict of interest exists if the private interests of the 804
person, as indicated by the person's disclosure statement, might 805
interfere with the public interests the person is required to 806
serve in the exercise of the person's authority and duties in 807
the person's office or position of employment. If the commission 808
determines that a potential conflict of interest exists, it 809
shall notify the person who filed the disclosure statement and 810
shall make the portions of the disclosure statement that 811
indicate a potential conflict of interest subject to public 812
inspection in the same manner as is provided for other 813
disclosure statements. Any portion of the disclosure statement 814
that the commission determines does not indicate a potential 815
conflict of interest shall be kept confidential by the 816
commission and shall not be made subject to public inspection, 817
except as is necessary for the enforcement of Chapters 102. and 818
2921. of the Revised Code and except as otherwise provided in 819
this division. 820

(C) No person shall knowingly fail to file, on or before 821
the applicable filing deadline established under this section, a 822
statement that is required by this section. 823

(D) No person shall knowingly file a false statement that 824
is required to be filed under this section. 825

(E) (1) Except as provided in divisions (E) (2) and (3) of 826
this section, the statement required by division (A) or (B) of 827
this section shall be accompanied by a filing fee of sixty 828
dollars. 829

(2) The statement required by division (A) of this section 830
shall be accompanied by the following filing fee to be paid by 831
the person who is elected or appointed to, or is a candidate 832
for, any of the following offices: 833

834

1

2

A	For state office, except member of the state board of education	\$95
B	For office of member of general assembly	\$40
C	For county office	\$60
D	For city office	\$35
E	For office of member of the state board of education	\$35
F	For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board	\$30

G For position of business manager, treasurer, or \$30
superintendent of a city, local, exempted village,
joint vocational, or cooperative education school
district or educational service center

(3) No judge of a court of record or candidate for judge 835
of a court of record, and no referee or magistrate serving a 836
court of record, shall be required to pay the fee required under 837
division (E) (1) or (2) or (F) of this section. 838

(4) For any public official who is appointed to a 839
nonelective office of the state and for any employee who holds a 840
nonelective position in a public agency of the state, the state 841
agency that is the primary employer of the state official or 842
employee shall pay the fee required under division (E) (1) or (F) 843
of this section. 844

(F) If a statement required to be filed under this section 845
is not filed by the date on which it is required to be filed, 846
the appropriate ethics commission shall assess the person 847
required to file the statement a late filing fee of ten dollars 848
for each day the statement is not filed, except that the total 849
amount of the late filing fee shall not exceed two hundred fifty 850
dollars. 851

(G) (1) The appropriate ethics commission other than the 852
Ohio ethics commission and the joint legislative ethics 853
committee shall deposit all fees it receives under divisions (E) 854
and (F) of this section into the general revenue fund of the 855
state. 856

(2) The Ohio ethics commission shall deposit all receipts, 857
including, but not limited to, fees it receives under divisions 858
(E) and (F) of this section, investigative or other fees, costs, 859

or other funds it receives as a result of court orders, and all 860
moneys it receives from settlements under division (G) of 861
section 102.06 of the Revised Code, into the Ohio ethics 862
commission fund, which is hereby created in the state treasury. 863
All moneys credited to the fund shall be used solely for 864
expenses related to the operation and statutory functions of the 865
commission. 866

(3) The joint legislative ethics committee shall deposit 867
all receipts it receives from the payment of financial 868
disclosure statement filing fees under divisions (E) and (F) of 869
this section into the joint legislative ethics committee 870
investigative and financial disclosure fund. 871

(H) Division (A) of this section does not apply to a 872
person elected or appointed to the office of precinct, ward, or 873
district committee member under Chapter 3517. of the Revised 874
Code; a presidential elector; a delegate to a national 875
convention; village or township officials and employees; any 876
physician or psychiatrist who is paid a salary or wage in 877
accordance with schedule C of section 124.15 or schedule E-2 of 878
section 124.152 of the Revised Code and whose primary duties do 879
not require the exercise of administrative discretion; or any 880
member of a board, commission, or bureau of any county or city 881
who receives less than one thousand dollars per year for serving 882
in that position. 883

Sec. 109.57. (A) (1) The superintendent of the bureau of 884
criminal identification and investigation shall procure from 885
wherever procurable and file for record photographs, pictures, 886
descriptions, fingerprints, measurements, and other information 887
that may be pertinent of all persons who have been convicted of 888
committing within this state a felony, any crime constituting a 889

misdemeanor on the first offense and a felony on subsequent 890
offenses, or any misdemeanor described in division (A) (1) (a), 891
(A) (4) (a), or (A) (6) (a) of section 109.572 of the Revised Code, 892
of all children under eighteen years of age who have been 893
adjudicated delinquent children for committing within this state 894
an act that would be a felony or an offense of violence if 895
committed by an adult or who have been convicted of or pleaded 896
guilty to committing within this state a felony or an offense of 897
violence, and of all well-known and habitual criminals. The 898
person in charge of any county, multicounty, municipal, 899
municipal-county, or multicounty-municipal jail or workhouse, 900
community-based correctional facility, halfway house, 901
alternative residential facility, or state correctional 902
institution and the person in charge of any state institution 903
having custody of a person suspected of having committed a 904
felony, any crime constituting a misdemeanor on the first 905
offense and a felony on subsequent offenses, or any misdemeanor 906
described in division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of 907
section 109.572 of the Revised Code or having custody of a child 908
under eighteen years of age with respect to whom there is 909
probable cause to believe that the child may have committed an 910
act that would be a felony or an offense of violence if 911
committed by an adult shall furnish such material to the 912
superintendent of the bureau. Fingerprints, photographs, or 913
other descriptive information of a child who is under eighteen 914
years of age, has not been arrested or otherwise taken into 915
custody for committing an act that would be a felony or an 916
offense of violence who is not in any other category of child 917
specified in this division, if committed by an adult, has not 918
been adjudicated a delinquent child for committing an act that 919
would be a felony or an offense of violence if committed by an 920
adult, has not been convicted of or pleaded guilty to committing 921

a felony or an offense of violence, and is not a child with 922
respect to whom there is probable cause to believe that the 923
child may have committed an act that would be a felony or an 924
offense of violence if committed by an adult shall not be 925
procured by the superintendent or furnished by any person in 926
charge of any county, multicounty, municipal, municipal-county, 927
or multicounty-municipal jail or workhouse, community-based 928
correctional facility, halfway house, alternative residential 929
facility, or state correctional institution, except as 930
authorized in section 2151.313 of the Revised Code. 931

(2) Every clerk of a court of record in this state, other 932
than the supreme court or a court of appeals, shall send to the 933
superintendent of the bureau a weekly report containing a 934
summary of each case involving a felony, involving any crime 935
constituting a misdemeanor on the first offense and a felony on 936
subsequent offenses, involving a misdemeanor described in 937
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 938
of the Revised Code, or involving an adjudication in a case in 939
which a child under eighteen years of age was alleged to be a 940
delinquent child for committing an act that would be a felony or 941
an offense of violence if committed by an adult. The clerk of 942
the court of common pleas shall include in the report and 943
summary the clerk sends under this division all information 944
described in divisions (A) (2) (a) to (f) of this section 945
regarding a case before the court of appeals that is served by 946
that clerk. The summary shall be written on the standard forms 947
furnished by the superintendent pursuant to division (B) of this 948
section and shall include the following information: 949

(a) The incident tracking number contained on the standard 950
forms furnished by the superintendent pursuant to division (B) 951
of this section; 952

(b) The style and number of the case;	953
(c) The date of arrest, offense, summons, or arraignment;	954
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	955 956 957 958 959 960 961 962 963 964 965 966
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	967 968
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	969 970 971 972
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	973 974 975 976 977
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of	978 979 980 981

identification of all persons arrested on a charge of a felony, 982
any crime constituting a misdemeanor on the first offense and a 983
felony on subsequent offenses, or a misdemeanor described in 984
division (A) (1) (a), (A) (4) (a), or (A) (6) (a) of section 109.572 985
of the Revised Code and of all children under eighteen years of 986
age arrested or otherwise taken into custody for committing an 987
act that would be a felony or an offense of violence if 988
committed by an adult. The superintendent also shall file for 989
record the fingerprint impressions of all persons confined in a 990
county, multicounty, municipal, municipal-county, or 991
multicounty-municipal jail or workhouse, community-based 992
correctional facility, halfway house, alternative residential 993
facility, or state correctional institution for the violation of 994
state laws and of all children under eighteen years of age who 995
are confined in a county, multicounty, municipal, municipal- 996
county, or multicounty-municipal jail or workhouse, community- 997
based correctional facility, halfway house, alternative 998
residential facility, or state correctional institution or in 999
any facility for delinquent children for committing an act that 1000
would be a felony or an offense of violence if committed by an 1001
adult, and any other information that the superintendent may 1002
receive from law enforcement officials of the state and its 1003
political subdivisions. 1004

(4) The superintendent shall carry out Chapter 2950. of 1005
the Revised Code with respect to the registration of persons who 1006
are convicted of or plead guilty to a sexually oriented offense 1007
or a child-victim oriented offense and with respect to all other 1008
duties imposed on the bureau under that chapter. 1009

(5) The bureau shall perform centralized recordkeeping 1010
functions for criminal history records and services in this 1011
state for purposes of the national crime prevention and privacy 1012

compact set forth in section 109.571 of the Revised Code and is 1013
the criminal history record repository as defined in that 1014
section for purposes of that compact. The superintendent or the 1015
superintendent's designee is the compact officer for purposes of 1016
that compact and shall carry out the responsibilities of the 1017
compact officer specified in that compact. 1018

(6) The superintendent shall, upon request, assist a 1019
county coroner in the identification of a deceased person 1020
through the use of fingerprint impressions obtained pursuant to 1021
division (A) (1) of this section or collected pursuant to section 1022
109.572 or 311.41 of the Revised Code. 1023

(B) The superintendent shall prepare and furnish to every 1024
county, multicounty, municipal, municipal-county, or 1025
multicounty-municipal jail or workhouse, community-based 1026
correctional facility, halfway house, alternative residential 1027
facility, or state correctional institution and to every clerk 1028
of a court in this state specified in division (A) (2) of this 1029
section standard forms for reporting the information required 1030
under division (A) of this section. The standard forms that the 1031
superintendent prepares pursuant to this division may be in a 1032
tangible format, in an electronic format, or in both tangible 1033
formats and electronic formats. 1034

(C) (1) The superintendent may operate a center for 1035
electronic, automated, or other data processing for the storage 1036
and retrieval of information, data, and statistics pertaining to 1037
criminals and to children under eighteen years of age who are 1038
adjudicated delinquent children for committing an act that would 1039
be a felony or an offense of violence if committed by an adult, 1040
criminal activity, crime prevention, law enforcement, and 1041
criminal justice, and may establish and operate a statewide 1042

communications network to be known as the Ohio law enforcement 1043
gateway to gather and disseminate information, data, and 1044
statistics for the use of law enforcement agencies and for other 1045
uses specified in this division. The superintendent may gather, 1046
store, retrieve, and disseminate information, data, and 1047
statistics that pertain to children who are under eighteen years 1048
of age and that are gathered pursuant to sections 109.57 to 1049
109.61 of the Revised Code together with information, data, and 1050
statistics that pertain to adults and that are gathered pursuant 1051
to those sections. 1052

(2) The superintendent or the superintendent's designee 1053
shall gather information of the nature described in division (C) 1054
(1) of this section that pertains to the offense and delinquency 1055
history of a person who has been convicted of, pleaded guilty 1056
to, or been adjudicated a delinquent child for committing a 1057
sexually oriented offense or a child-victim oriented offense for 1058
inclusion in the state registry of sex offenders and child- 1059
victim offenders maintained pursuant to division (A)(1) of 1060
section 2950.13 of the Revised Code and in the internet database 1061
operated pursuant to division (A)(13) of that section and for 1062
possible inclusion in the internet database operated pursuant to 1063
division (A)(11) of that section. 1064

(3) In addition to any other authorized use of 1065
information, data, and statistics of the nature described in 1066
division (C)(1) of this section, the superintendent or the 1067
superintendent's designee may provide and exchange the 1068
information, data, and statistics pursuant to the national crime 1069
prevention and privacy compact as described in division (A)(5) 1070
of this section. 1071

(4) The Ohio law enforcement gateway shall contain the 1072

name, confidential address, and telephone number of program 1073
participants in the address confidentiality program established 1074
under sections 111.41 to 111.47 of the Revised Code. 1075

(5) The attorney general may adopt rules under Chapter 1076
119. of the Revised Code establishing guidelines for the 1077
operation of and participation in the Ohio law enforcement 1078
gateway. The rules may include criteria for granting and 1079
restricting access to information gathered and disseminated 1080
through the Ohio law enforcement gateway. The attorney general 1081
shall adopt rules under Chapter 119. of the Revised Code that 1082
grant access to information in the gateway regarding an address 1083
confidentiality program participant under sections 111.41 to 1084
111.47 of the Revised Code to only chiefs of police, village 1085
marshals, county sheriffs, county prosecuting attorneys, and a 1086
designee of each of these individuals. The attorney general 1087
shall permit an office of a county coroner, the state medical 1088
board, and board of nursing to access and view, but not alter, 1089
information gathered and disseminated through the Ohio law 1090
enforcement gateway. 1091

The attorney general may appoint a steering committee to 1092
advise the attorney general in the operation of the Ohio law 1093
enforcement gateway that is comprised of persons who are 1094
representatives of the criminal justice agencies in this state 1095
that use the Ohio law enforcement gateway and is chaired by the 1096
superintendent or the superintendent's designee. 1097

(D) (1) The following are not public records under section 1098
149.43 of the Revised Code: 1099

(a) Information and materials furnished to the 1100
superintendent pursuant to division (A) of this section; 1101

(b) Information, data, and statistics gathered or 1102
disseminated through the Ohio law enforcement gateway pursuant 1103
to division (C) (1) of this section; 1104

(c) Information and materials furnished to any board or 1105
person under division (F) or (G) of this section. 1106

(2) The superintendent or the superintendent's designee 1107
shall gather and retain information so furnished under division 1108
(A) of this section that pertains to the offense and delinquency 1109
history of a person who has been convicted of, pleaded guilty 1110
to, or been adjudicated a delinquent child for committing a 1111
sexually oriented offense or a child-victim oriented offense for 1112
the purposes described in division (C) (2) of this section. 1113

(E) (1) The attorney general shall adopt rules, in 1114
accordance with Chapter 119. of the Revised Code and subject to 1115
division (E) (2) of this section, setting forth the procedure by 1116
which a person may receive or release information gathered by 1117
the superintendent pursuant to division (A) of this section. A 1118
reasonable fee may be charged for this service. If a temporary 1119
employment service submits a request for a determination of 1120
whether a person the service plans to refer to an employment 1121
position has been convicted of or pleaded guilty to an offense 1122
listed or described in division (A) (1), (2), or (3) of section 1123
109.572 of the Revised Code, the request shall be treated as a 1124
single request and only one fee shall be charged. 1125

(2) Except as otherwise provided in this division or 1126
division (E) (3) or (4) of this section, a rule adopted under 1127
division (E) (1) of this section may provide only for the release 1128
of information gathered pursuant to division (A) of this section 1129
that relates to the conviction of a person, or a person's plea 1130
of guilty to, a criminal offense or to the arrest of a person as 1131

provided in division (E) (3) of this section. The superintendent 1132
shall not release, and the attorney general shall not adopt any 1133
rule under division (E) (1) of this section that permits the 1134
release of, any information gathered pursuant to division (A) of 1135
this section that relates to an adjudication of a child as a 1136
delinquent child, or that relates to a criminal conviction of a 1137
person under eighteen years of age if the person's case was 1138
transferred back to a juvenile court under division (B) (2) or 1139
(3) of section 2152.121 of the Revised Code and the juvenile 1140
court imposed a disposition or serious youthful offender 1141
disposition upon the person under either division, unless either 1142
of the following applies with respect to the adjudication or 1143
conviction: 1144

(a) The adjudication or conviction was for a violation of 1145
section 2903.01 or 2903.02 of the Revised Code. 1146

(b) The adjudication or conviction was for a sexually 1147
oriented offense, the juvenile court was required to classify 1148
the child a juvenile offender registrant for that offense under 1149
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1150
classification has not been removed, and the records of the 1151
adjudication or conviction have not been sealed or expunged 1152
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 1153
pursuant to section 2953.32 of the Revised Code. 1154

(3) A rule adopted under division (E) (1) of this section 1155
may provide for the release of information gathered pursuant to 1156
division (A) of this section that relates to the arrest of a 1157
person who is eighteen years of age or older when the person has 1158
not been convicted as a result of that arrest if any of the 1159
following applies: 1160

(a) The arrest was made outside of this state. 1161

(b) A criminal action resulting from the arrest is 1162
pending, and the superintendent confirms that the criminal 1163
action has not been resolved at the time the criminal records 1164
check is performed. 1165

(c) The bureau cannot reasonably determine whether a 1166
criminal action resulting from the arrest is pending, and not 1167
more than one year has elapsed since the date of the arrest. 1168

(4) A rule adopted under division (E) (1) of this section 1169
may provide for the release of information gathered pursuant to 1170
division (A) of this section that relates to an adjudication of 1171
a child as a delinquent child if not more than five years have 1172
elapsed since the date of the adjudication, the adjudication was 1173
for an act that would have been a felony if committed by an 1174
adult, the records of the adjudication have not been sealed or 1175
expunged pursuant to sections 2151.355 to 2151.358 of the 1176
Revised Code, and the request for information is made under 1177
division (F) of this section or under section 109.572 of the 1178
Revised Code. In the case of an adjudication for a violation of 1179
the terms of community control or supervised release, the five- 1180
year period shall be calculated from the date of the 1181
adjudication to which the community control or supervised 1182
release pertains. 1183

(F) (1) As used in division (F) (2) of this section, "head 1184
start agency" means an entity in this state that has been 1185
approved to be an agency for purposes of subchapter II of the 1186
"Community Economic Development Act," 95 Stat. 489 (1981), 42 1187
U.S.C.A. 9831, as amended. 1188

(2) (a) In addition to or in conjunction with any request 1189
that is required to be made under section 109.572, 2151.86, 1190
3301.32, 3301.541, division (C) of section 3310.58, or section 1191

3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 1192
5153.111 of the Revised Code or that is made under section 1193
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1194
board of education of any school district; the director of 1195
developmental disabilities; any county board of developmental 1196
disabilities; any provider or subcontractor as defined in 1197
section 5123.081 of the Revised Code; the chief administrator of 1198
any chartered nonpublic school; the chief administrator of a 1199
registered private provider that is not also a chartered 1200
nonpublic school; the chief administrator of any home health 1201
agency; the chief administrator of or person operating any child 1202
day-care center, type A family day-care home, or type B family 1203
day-care home licensed under Chapter 5104. of the Revised Code; 1204
the chief administrator of any head start agency; the executive 1205
director of a public children services agency; a private company 1206
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 1207
the Revised Code; or an employer described in division (J)(2) of 1208
section 3327.10 of the Revised Code may request that the 1209
superintendent of the bureau investigate and determine, with 1210
respect to any individual who has applied for employment in any 1211
position after October 2, 1989, or any individual wishing to 1212
apply for employment with a board of education may request, with 1213
regard to the individual, whether the bureau has any information 1214
gathered under division (A) of this section that pertains to 1215
that individual. On receipt of the request, subject to division 1216
(E)(2) of this section, the superintendent shall determine 1217
whether that information exists and, upon request of the person, 1218
board, or entity requesting information, also shall request from 1219
the federal bureau of investigation any criminal records it has 1220
pertaining to that individual. The superintendent or the 1221
superintendent's designee also may request criminal history 1222
records from other states or the federal government pursuant to 1223

the national crime prevention and privacy compact set forth in 1224
section 109.571 of the Revised Code. Within thirty days of the 1225
date that the superintendent receives a request, subject to 1226
division (E) (2) of this section, the superintendent shall send 1227
to the board, entity, or person a report of any information that 1228
the superintendent determines exists, including information 1229
contained in records that have been sealed under section 2953.32 1230
of the Revised Code, and, within thirty days of its receipt, 1231
subject to division (E) (2) of this section, shall send the 1232
board, entity, or person a report of any information received 1233
from the federal bureau of investigation, other than information 1234
the dissemination of which is prohibited by federal law. 1235

(b) When a board of education or a registered private 1236
provider is required to receive information under this section 1237
as a prerequisite to employment of an individual pursuant to 1238
division (C) of section 3310.58 or section 3319.39 of the 1239
Revised Code, it may accept a certified copy of records that 1240
were issued by the bureau of criminal identification and 1241
investigation and that are presented by an individual applying 1242
for employment with the district in lieu of requesting that 1243
information itself. In such a case, the board shall accept the 1244
certified copy issued by the bureau in order to make a photocopy 1245
of it for that individual's employment application documents and 1246
shall return the certified copy to the individual. In a case of 1247
that nature, a district or provider only shall accept a 1248
certified copy of records of that nature within one year after 1249
the date of their issuance by the bureau. 1250

(c) Notwithstanding division (F) (2) (a) of this section, in 1251
the case of a request under section 3319.39, 3319.391, or 1252
3327.10 of the Revised Code only for criminal records maintained 1253
by the federal bureau of investigation, the superintendent shall 1254

not determine whether any information gathered under division 1255
(A) of this section exists on the person for whom the request is 1256
made. 1257

(3) The state board of education or the department of 1258
education and workforce may request, with respect to any 1259
individual who has applied for employment after October 2, 1989, 1260
in any position with the state board or the department of 1261
education and workforce, any information that a school district 1262
board of education is authorized to request under division (F) 1263
(2) of this section, and the superintendent of the bureau shall 1264
proceed as if the request has been received from a school 1265
district board of education under division (F) (2) of this 1266
section. 1267

(4) When the superintendent of the bureau receives a 1268
request for information under section 3319.291 of the Revised 1269
Code, the superintendent shall proceed as if the request has 1270
been received from a school district board of education and 1271
shall comply with divisions (F) (2) (a) and (c) of this section. 1272

(G) In addition to or in conjunction with any request that 1273
is required to be made under section 3712.09, 3721.121, or 1274
3740.11 of the Revised Code with respect to an individual who 1275
has applied for employment in a position that involves providing 1276
direct care to an older adult or adult resident, the chief 1277
administrator of a home health agency, hospice care program, 1278
home licensed under Chapter 3721. of the Revised Code, or adult 1279
day-care program operated pursuant to rules adopted under 1280
section 3721.04 of the Revised Code may request that the 1281
superintendent of the bureau investigate and determine, with 1282
respect to any individual who has applied after January 27, 1283
1997, for employment in a position that does not involve 1284

providing direct care to an older adult or adult resident, 1285
whether the bureau has any information gathered under division 1286
(A) of this section that pertains to that individual. 1287

In addition to or in conjunction with any request that is 1288
required to be made under section 173.27 of the Revised Code 1289
with respect to an individual who has applied for employment in 1290
a position that involves providing ombudsman services to 1291
residents of long-term care facilities or recipients of 1292
community-based long-term care services, the state long-term 1293
care ombudsman, the director of aging, a regional long-term care 1294
ombudsman program, or the designee of the ombudsman, director, 1295
or program may request that the superintendent investigate and 1296
determine, with respect to any individual who has applied for 1297
employment in a position that does not involve providing such 1298
ombudsman services, whether the bureau has any information 1299
gathered under division (A) of this section that pertains to 1300
that applicant. 1301

In addition to or in conjunction with any request that is 1302
required to be made under section 173.38 of the Revised Code 1303
with respect to an individual who has applied for employment in 1304
a direct-care position, the chief administrator of a provider, 1305
as defined in section 173.39 of the Revised Code, may request 1306
that the superintendent investigate and determine, with respect 1307
to any individual who has applied for employment in a position 1308
that is not a direct-care position, whether the bureau has any 1309
information gathered under division (A) of this section that 1310
pertains to that applicant. 1311

In addition to or in conjunction with any request that is 1312
required to be made under section 3712.09 of the Revised Code 1313
with respect to an individual who has applied for employment in 1314

a position that involves providing direct care to a pediatric 1315
respite care patient, the chief administrator of a pediatric 1316
respite care program may request that the superintendent of the 1317
bureau investigate and determine, with respect to any individual 1318
who has applied for employment in a position that does not 1319
involve providing direct care to a pediatric respite care 1320
patient, whether the bureau has any information gathered under 1321
division (A) of this section that pertains to that individual. 1322

On receipt of a request under this division, the 1323
superintendent shall determine whether that information exists 1324
and, on request of the individual requesting information, shall 1325
also request from the federal bureau of investigation any 1326
criminal records it has pertaining to the applicant. The 1327
superintendent or the superintendent's designee also may request 1328
criminal history records from other states or the federal 1329
government pursuant to the national crime prevention and privacy 1330
compact set forth in section 109.571 of the Revised Code. Within 1331
thirty days of the date a request is received, subject to 1332
division (E) (2) of this section, the superintendent shall send 1333
to the requester a report of any information determined to 1334
exist, including information contained in records that have been 1335
sealed under section 2953.32 of the Revised Code, and, within 1336
thirty days of its receipt, shall send the requester a report of 1337
any information received from the federal bureau of 1338
investigation, other than information the dissemination of which 1339
is prohibited by federal law. 1340

(H) Information obtained by a government entity or person 1341
under this section is confidential and shall not be released or 1342
disseminated. 1343

(I) The superintendent may charge a reasonable fee for 1344

providing information or criminal records under division (F) (2) 1345
or (G) of this section. 1346

(J) As used in this section: 1347

(1) "Pediatric respite care program" and "pediatric care 1348
patient" have the same meanings as in section 3712.01 of the 1349
Revised Code. 1350

(2) "Sexually oriented offense" and "child-victim oriented 1351
offense" have the same meanings as in section 2950.01 of the 1352
Revised Code. 1353

(3) "Registered private provider" means a nonpublic school 1354
or entity registered with the ~~superintendent of public~~ 1355
~~instruction~~ department of education and workforce under section 1356
3310.41 of the Revised Code to participate in the autism 1357
scholarship program or section 3310.58 of the Revised Code to 1358
participate in the Jon Peterson special needs scholarship 1359
program. 1360

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 1361
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 1362
Code, a completed form prescribed pursuant to division (C) (1) of 1363
this section, and a set of fingerprint impressions obtained in 1364
the manner described in division (C) (2) of this section, the 1365
superintendent of the bureau of criminal identification and 1366
investigation shall conduct a criminal records check in the 1367
manner described in division (B) of this section to determine 1368
whether any information exists that indicates that the person 1369
who is the subject of the request previously has been convicted 1370
of or pleaded guilty to any of the following: 1371

(a) A violation of section 2903.01, 2903.02, 2903.03, 1372
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 1373

2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 1374
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1375
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 1376
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1377
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1378
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 1379
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1380
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 1381
of the Revised Code, felonious sexual penetration in violation 1382
of former section 2907.12 of the Revised Code, a violation of 1383
section 2905.04 of the Revised Code as it existed prior to July 1384
1, 1996, a violation of section 2919.23 of the Revised Code that 1385
would have been a violation of section 2905.04 of the Revised 1386
Code as it existed prior to July 1, 1996, had the violation been 1387
committed prior to that date, or a violation of section 2925.11 1388
of the Revised Code that is not a minor drug possession offense; 1389

(b) A violation of an existing or former law of this 1390
state, any other state, or the United States that is 1391
substantially equivalent to any of the offenses listed in 1392
division (A) (1) (a) of this section; 1393

(c) If the request is made pursuant to section 3319.39 of 1394
the Revised Code for an applicant who is a teacher, any offense 1395
specified under section 9.79 of the Revised Code or in section 1396
3319.31 of the Revised Code. 1397

(2) On receipt of a request pursuant to section 3712.09 or 1398
3721.121 of the Revised Code, a completed form prescribed 1399
pursuant to division (C) (1) of this section, and a set of 1400
fingerprint impressions obtained in the manner described in 1401
division (C) (2) of this section, the superintendent of the 1402
bureau of criminal identification and investigation shall 1403

conduct a criminal records check with respect to any person who 1404
has applied for employment in a position for which a criminal 1405
records check is required by those sections. The superintendent 1406
shall conduct the criminal records check in the manner described 1407
in division (B) of this section to determine whether any 1408
information exists that indicates that the person who is the 1409
subject of the request previously has been convicted of or 1410
pleaded guilty to any of the following: 1411

(a) A violation of section 2903.01, 2903.02, 2903.03, 1412
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1413
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1414
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1415
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1416
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1417
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1418
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1419
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1420

(b) An existing or former law of this state, any other 1421
state, or the United States that is substantially equivalent to 1422
any of the offenses listed in division (A) (2) (a) of this 1423
section. 1424

(3) On receipt of a request pursuant to section 173.27, 1425
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 1426
5123.081, or 5123.169 of the Revised Code, a completed form 1427
prescribed pursuant to division (C) (1) of this section, and a 1428
set of fingerprint impressions obtained in the manner described 1429
in division (C) (2) of this section, the superintendent of the 1430
bureau of criminal identification and investigation shall 1431
conduct a criminal records check of the person for whom the 1432
request is made. The superintendent shall conduct the criminal 1433

records check in the manner described in division (B) of this 1434
section to determine whether any information exists that 1435
indicates that the person who is the subject of the request 1436
previously has been convicted of, has pleaded guilty to, or 1437
(except in the case of a request pursuant to section 5164.34, 1438
5164.341, or 5164.342 of the Revised Code) has been found 1439
eligible for intervention in lieu of conviction for any of the 1440
following, regardless of the date of the conviction, the date of 1441
entry of the guilty plea, or (except in the case of a request 1442
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1443
Revised Code) the date the person was found eligible for 1444
intervention in lieu of conviction: 1445

(a) A violation of section 959.13, 959.131, 2903.01, 1446
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1447
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1448
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1449
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1450
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 1451
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 1452
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 1453
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 1454
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 1455
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1456
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1457
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 1458
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 1459
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 1460
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 1461
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1462
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 1463
2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the 1464

Revised Code; 1465

(b) Felonious sexual penetration in violation of former 1466
section 2907.12 of the Revised Code; 1467

(c) A violation of section 2905.04 of the Revised Code as 1468
it existed prior to July 1, 1996; 1469

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1470
the Revised Code when the underlying offense that is the object 1471
of the conspiracy, attempt, or complicity is one of the offenses 1472
listed in divisions (A) (3) (a) to (c) of this section; 1473

(e) A violation of an existing or former municipal 1474
ordinance or law of this state, any other state, or the United 1475
States that is substantially equivalent to any of the offenses 1476
listed in divisions (A) (3) (a) to (d) of this section. 1477

(4) On receipt of a request pursuant to section 2151.86 or 1478
2151.904 of the Revised Code, a completed form prescribed 1479
pursuant to division (C) (1) of this section, and a set of 1480
fingerprint impressions obtained in the manner described in 1481
division (C) (2) of this section, the superintendent of the 1482
bureau of criminal identification and investigation shall 1483
conduct a criminal records check in the manner described in 1484
division (B) of this section to determine whether any 1485
information exists that indicates that the person who is the 1486
subject of the request previously has been convicted of or 1487
pleaded guilty to any of the following: 1488

(a) A violation of section 959.13, 2903.01, 2903.02, 1489
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1490
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1491
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1492
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1493

2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1494
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1495
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1496
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1497
2927.12, or 3716.11 of the Revised Code, a violation of section 1498
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1499
a violation of section 2919.23 of the Revised Code that would 1500
have been a violation of section 2905.04 of the Revised Code as 1501
it existed prior to July 1, 1996, had the violation been 1502
committed prior to that date, a violation of section 2925.11 of 1503
the Revised Code that is not a minor drug possession offense, 1504
two or more OVI or OVUAC violations committed within the three 1505
years immediately preceding the submission of the application or 1506
petition that is the basis of the request, or felonious sexual 1507
penetration in violation of former section 2907.12 of the 1508
Revised Code; 1509

(b) A violation of an existing or former law of this 1510
state, any other state, or the United States that is 1511
substantially equivalent to any of the offenses listed in 1512
division (A) (4) (a) of this section. 1513

(5) Upon receipt of a request pursuant to section 5104.013 1514
of the Revised Code, a completed form prescribed pursuant to 1515
division (C) (1) of this section, and a set of fingerprint 1516
impressions obtained in the manner described in division (C) (2) 1517
of this section, the superintendent of the bureau of criminal 1518
identification and investigation shall conduct a criminal 1519
records check in the manner described in division (B) of this 1520
section to determine whether any information exists that 1521
indicates that the person who is the subject of the request has 1522
been convicted of or pleaded guilty to any of the following: 1523

(a) A violation of section 2151.421, 2903.01, 2903.02, 1524
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1525
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1526
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1527
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1528
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1529
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1530
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1531
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1532
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1533
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1534
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1535
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1536
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1537
3716.11 of the Revised Code, felonious sexual penetration in 1538
violation of former section 2907.12 of the Revised Code, a 1539
violation of section 2905.04 of the Revised Code as it existed 1540
prior to July 1, 1996, a violation of section 2919.23 of the 1541
Revised Code that would have been a violation of section 2905.04 1542
of the Revised Code as it existed prior to July 1, 1996, had the 1543
violation been committed prior to that date, a violation of 1544
section 2925.11 of the Revised Code that is not a minor drug 1545
possession offense, a violation of section 2923.02 or 2923.03 of 1546
the Revised Code that relates to a crime specified in this 1547
division, or a second violation of section 4511.19 of the 1548
Revised Code within five years of the date of application for 1549
licensure or certification. 1550

(b) A violation of an existing or former law of this 1551
state, any other state, or the United States that is 1552
substantially equivalent to any of the offenses or violations 1553
described in division (A) (5) (a) of this section. 1554

(6) Upon receipt of a request pursuant to section 5153.111 1555
of the Revised Code, a completed form prescribed pursuant to 1556
division (C)(1) of this section, and a set of fingerprint 1557
impressions obtained in the manner described in division (C)(2) 1558
of this section, the superintendent of the bureau of criminal 1559
identification and investigation shall conduct a criminal 1560
records check in the manner described in division (B) of this 1561
section to determine whether any information exists that 1562
indicates that the person who is the subject of the request 1563
previously has been convicted of or pleaded guilty to any of the 1564
following: 1565

(a) A violation of section 2903.01, 2903.02, 2903.03, 1566
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1567
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1568
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1569
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1570
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1571
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1572
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1573
Code, felonious sexual penetration in violation of former 1574
section 2907.12 of the Revised Code, a violation of section 1575
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1576
a violation of section 2919.23 of the Revised Code that would 1577
have been a violation of section 2905.04 of the Revised Code as 1578
it existed prior to July 1, 1996, had the violation been 1579
committed prior to that date, or a violation of section 2925.11 1580
of the Revised Code that is not a minor drug possession offense; 1581

(b) A violation of an existing or former law of this 1582
state, any other state, or the United States that is 1583
substantially equivalent to any of the offenses listed in 1584
division (A)(6)(a) of this section. 1585

(7) On receipt of a request for a criminal records check 1586
from an individual pursuant to section 4749.03 or 4749.06 of the 1587
Revised Code, accompanied by a completed copy of the form 1588
prescribed in division (C)(1) of this section and a set of 1589
fingerprint impressions obtained in a manner described in 1590
division (C)(2) of this section, the superintendent of the 1591
bureau of criminal identification and investigation shall 1592
conduct a criminal records check in the manner described in 1593
division (B) of this section to determine whether any 1594
information exists indicating that the person who is the subject 1595
of the request has been convicted of or pleaded guilty to any 1596
criminal offense in this state or in any other state. If the 1597
individual indicates that a firearm will be carried in the 1598
course of business, the superintendent shall require information 1599
from the federal bureau of investigation as described in 1600
division (B)(2) of this section. Subject to division (F) of this 1601
section, the superintendent shall report the findings of the 1602
criminal records check and any information the federal bureau of 1603
investigation provides to the director of public safety. 1604

(8) On receipt of a request pursuant to section 1321.37, 1605
1321.53, or 4763.05 of the Revised Code, a completed form 1606
prescribed pursuant to division (C)(1) of this section, and a 1607
set of fingerprint impressions obtained in the manner described 1608
in division (C)(2) of this section, the superintendent of the 1609
bureau of criminal identification and investigation shall 1610
conduct a criminal records check with respect to any person who 1611
has applied for a license, permit, or certification from the 1612
department of commerce or a division in the department. The 1613
superintendent shall conduct the criminal records check in the 1614
manner described in division (B) of this section to determine 1615
whether any information exists that indicates that the person 1616

who is the subject of the request previously has been convicted 1617
of or pleaded guilty to any criminal offense in this state, any 1618
other state, or the United States. 1619

(9) On receipt of a request for a criminal records check 1620
from the treasurer of state under section 113.041 of the Revised 1621
Code or from an individual under section 928.03, 4701.08, 1622
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 1623
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1624
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 1625
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.21, 1626
4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 1627
4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 1628
4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, 1629
accompanied by a completed form prescribed under division (C) (1) 1630
of this section and a set of fingerprint impressions obtained in 1631
the manner described in division (C) (2) of this section, the 1632
superintendent of the bureau of criminal identification and 1633
investigation shall conduct a criminal records check in the 1634
manner described in division (B) of this section to determine 1635
whether any information exists that indicates that the person 1636
who is the subject of the request has been convicted of or 1637
pleaded guilty to any criminal offense in this state or any 1638
other state. Subject to division (F) of this section, the 1639
superintendent shall send the results of a check requested under 1640
section 113.041 of the Revised Code to the treasurer of state 1641
and shall send the results of a check requested under any of the 1642
other listed sections to the licensing board specified by the 1643
individual in the request. 1644

(10) On receipt of a request pursuant to section 124.74, 1645
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1646
Code, a completed form prescribed pursuant to division (C) (1) of 1647

this section, and a set of fingerprint impressions obtained in 1648
the manner described in division (C) (2) of this section, the 1649
superintendent of the bureau of criminal identification and 1650
investigation shall conduct a criminal records check in the 1651
manner described in division (B) of this section to determine 1652
whether any information exists that indicates that the person 1653
who is the subject of the request previously has been convicted 1654
of or pleaded guilty to any criminal offense under any existing 1655
or former law of this state, any other state, or the United 1656
States. 1657

(11) On receipt of a request for a criminal records check 1658
from an appointing or licensing authority under section 3772.07 1659
of the Revised Code, a completed form prescribed under division 1660
(C) (1) of this section, and a set of fingerprint impressions 1661
obtained in the manner prescribed in division (C) (2) of this 1662
section, the superintendent of the bureau of criminal 1663
identification and investigation shall conduct a criminal 1664
records check in the manner described in division (B) of this 1665
section to determine whether any information exists that 1666
indicates that the person who is the subject of the request 1667
previously has been convicted of or pleaded guilty or no contest 1668
to any offense under any existing or former law of this state, 1669
any other state, or the United States that makes the person 1670
ineligible for appointment or retention under section 3772.07 of 1671
the Revised Code or that is a disqualifying offense as defined 1672
in that section or substantially equivalent to a disqualifying 1673
offense, as applicable. 1674

(12) On receipt of a request pursuant to section 2151.33 1675
or 2151.412 of the Revised Code, a completed form prescribed 1676
pursuant to division (C) (1) of this section, and a set of 1677
fingerprint impressions obtained in the manner described in 1678

division (C) (2) of this section, the superintendent of the 1679
bureau of criminal identification and investigation shall 1680
conduct a criminal records check with respect to any person for 1681
whom a criminal records check is required under that section. 1682
The superintendent shall conduct the criminal records check in 1683
the manner described in division (B) of this section to 1684
determine whether any information exists that indicates that the 1685
person who is the subject of the request previously has been 1686
convicted of or pleaded guilty to any of the following: 1687

(a) A violation of section 2903.01, 2903.02, 2903.03, 1688
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1689
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1690
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1691
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1692
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1693
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1694
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1695
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1696

(b) An existing or former law of this state, any other 1697
state, or the United States that is substantially equivalent to 1698
any of the offenses listed in division (A) (12) (a) of this 1699
section. 1700

(13) On receipt of a request pursuant to section 3796.12 1701
of the Revised Code, a completed form prescribed pursuant to 1702
division (C) (1) of this section, and a set of fingerprint 1703
impressions obtained in a manner described in division (C) (2) of 1704
this section, the superintendent of the bureau of criminal 1705
identification and investigation shall conduct a criminal 1706
records check in the manner described in division (B) of this 1707
section to determine whether any information exists that 1708

indicates that the person who is the subject of the request 1709
previously has been convicted of or pleaded guilty to the 1710
following: 1711

(a) A disqualifying offense as specified in rules adopted 1712
under section 9.79 and division (B) (2) (b) of section 3796.03 of 1713
the Revised Code if the person who is the subject of the request 1714
is an administrator or other person responsible for the daily 1715
operation of, or an owner or prospective owner, officer or 1716
prospective officer, or board member or prospective board member 1717
of, an entity seeking a license from the department of commerce 1718
under Chapter 3796. of the Revised Code; 1719

(b) A disqualifying offense as specified in rules adopted 1720
under section 9.79 and division (B) (2) (b) of section 3796.04 of 1721
the Revised Code if the person who is the subject of the request 1722
is an administrator or other person responsible for the daily 1723
operation of, or an owner or prospective owner, officer or 1724
prospective officer, or board member or prospective board member 1725
of, an entity seeking a license from the state board of pharmacy 1726
under Chapter 3796. of the Revised Code. 1727

(14) On receipt of a request required by section 3796.13 1728
of the Revised Code, a completed form prescribed pursuant to 1729
division (C) (1) of this section, and a set of fingerprint 1730
impressions obtained in a manner described in division (C) (2) of 1731
this section, the superintendent of the bureau of criminal 1732
identification and investigation shall conduct a criminal 1733
records check in the manner described in division (B) of this 1734
section to determine whether any information exists that 1735
indicates that the person who is the subject of the request 1736
previously has been convicted of or pleaded guilty to the 1737
following: 1738

(a) A disqualifying offense as specified in rules adopted 1739
under division (B) (8) (a) of section 3796.03 of the Revised Code 1740
if the person who is the subject of the request is seeking 1741
employment with an entity licensed by the department of commerce 1742
under Chapter 3796. of the Revised Code; 1743

(b) A disqualifying offense as specified in rules adopted 1744
under division (B) (14) (a) of section 3796.04 of the Revised Code 1745
if the person who is the subject of the request is seeking 1746
employment with an entity licensed by the state board of 1747
pharmacy under Chapter 3796. of the Revised Code. 1748

(15) On receipt of a request pursuant to section 4768.06 1749
of the Revised Code, a completed form prescribed under division 1750
(C) (1) of this section, and a set of fingerprint impressions 1751
obtained in the manner described in division (C) (2) of this 1752
section, the superintendent of the bureau of criminal 1753
identification and investigation shall conduct a criminal 1754
records check in the manner described in division (B) of this 1755
section to determine whether any information exists indicating 1756
that the person who is the subject of the request has been 1757
convicted of or pleaded guilty to any criminal offense in this 1758
state or in any other state. 1759

(16) On receipt of a request pursuant to division (B) of 1760
section 4764.07 or division (A) of section 4735.143 of the 1761
Revised Code, a completed form prescribed under division (C) (1) 1762
of this section, and a set of fingerprint impressions obtained 1763
in the manner described in division (C) (2) of this section, the 1764
superintendent of the bureau of criminal identification and 1765
investigation shall conduct a criminal records check in the 1766
manner described in division (B) of this section to determine 1767
whether any information exists indicating that the person who is 1768

the subject of the request has been convicted of or pleaded 1769
guilty to any criminal offense in any state or the United 1770
States. 1771

(17) On receipt of a request for a criminal records check 1772
under section 147.022 of the Revised Code, a completed form 1773
prescribed under division (C)(1) of this section, and a set of 1774
fingerprint impressions obtained in the manner prescribed in 1775
division (C)(2) of this section, the superintendent of the 1776
bureau of criminal identification and investigation shall 1777
conduct a criminal records check in the manner described in 1778
division (B) of this section to determine whether any 1779
information exists that indicates that the person who is the 1780
subject of the request previously has been convicted of or 1781
pleaded guilty or no contest to any criminal offense under any 1782
existing or former law of this state, any other state, or the 1783
United States. 1784

(18) Upon receipt of a request pursuant to division (F) of 1785
section 2915.081 or division (E) of section 2915.082 of the 1786
Revised Code, a completed form prescribed under division (C)(1) 1787
of this section, and a set of fingerprint impressions obtained 1788
in the manner described in division (C)(2) of this section, the 1789
superintendent of the bureau of criminal identification and 1790
investigation shall conduct a criminal records check in the 1791
manner described in division (B) of this section to determine 1792
whether any information exists indicating that the person who is 1793
the subject of the request has been convicted of or pleaded 1794
guilty or no contest to any offense that is a violation of 1795
Chapter 2915. of the Revised Code or to any offense under any 1796
existing or former law of this state, any other state, or the 1797
United States that is substantially equivalent to such an 1798
offense. 1799

(19) On receipt of a request pursuant to section 3775.03 1800
of the Revised Code, a completed form prescribed under division 1801
(C) (1) of this section, and a set of fingerprint impressions 1802
obtained in the manner described in division (C) (2) of this 1803
section, the superintendent of the bureau of criminal 1804
identification and investigation shall conduct a criminal 1805
records check in the manner described in division (B) of this 1806
section and shall request information from the federal bureau of 1807
investigation to determine whether any information exists 1808
indicating that the person who is the subject of the request has 1809
been convicted of any offense under any existing or former law 1810
of this state, any other state, or the United States that is a 1811
disqualifying offense as defined in section 3772.07 of the 1812
Revised Code. 1813

(B) Subject to division (F) of this section, the 1814
superintendent shall conduct any criminal records check to be 1815
conducted under this section as follows: 1816

(1) The superintendent shall review or cause to be 1817
reviewed any relevant information gathered and compiled by the 1818
bureau under division (A) of section 109.57 of the Revised Code 1819
that relates to the person who is the subject of the criminal 1820
records check, including, if the criminal records check was 1821
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1822
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1823
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1824
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1825
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1826
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1827
5123.169, or 5153.111 of the Revised Code, any relevant 1828
information contained in records that have been sealed under 1829
section 2953.32 of the Revised Code; 1830

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B) (1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in the relevant provision of division (A) of this section. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records

check, the completed form prescribed under division (C) (1) of 1861
this section, and the set of fingerprint impressions obtained in 1862
the manner described in division (C) (2) of this section: 1863

(a) If the superintendent is required by division (A) of 1864
this section (other than division (A) (3) of this section) to 1865
conduct the criminal records check, thirty; 1866

(b) If the superintendent is required by division (A) (3) 1867
of this section to conduct the criminal records check, sixty. 1868

(C) (1) The superintendent shall prescribe a form to obtain 1869
the information necessary to conduct a criminal records check 1870
from any person for whom a criminal records check is to be 1871
conducted under this section. The form that the superintendent 1872
prescribes pursuant to this division may be in a tangible 1873
format, in an electronic format, or in both tangible and 1874
electronic formats. 1875

(2) The superintendent shall prescribe standard impression 1876
sheets to obtain the fingerprint impressions of any person for 1877
whom a criminal records check is to be conducted under this 1878
section. Any person for whom a records check is to be conducted 1879
under this section shall obtain the fingerprint impressions at a 1880
county sheriff's office, municipal police department, or any 1881
other entity with the ability to make fingerprint impressions on 1882
the standard impression sheets prescribed by the superintendent. 1883
The office, department, or entity may charge the person a 1884
reasonable fee for making the impressions. The standard 1885
impression sheets the superintendent prescribes pursuant to this 1886
division may be in a tangible format, in an electronic format, 1887
or in both tangible and electronic formats. 1888

(3) Subject to division (D) of this section, the 1889

superintendent shall prescribe and charge a reasonable fee for 1890
providing a criminal records check under this section. The 1891
person requesting the criminal records check shall pay the fee 1892
prescribed pursuant to this division. In the case of a request 1893
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1894
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1895
fee shall be paid in the manner specified in that section. 1896

(4) The superintendent of the bureau of criminal 1897
identification and investigation may prescribe methods of 1898
forwarding fingerprint impressions and information necessary to 1899
conduct a criminal records check, which methods shall include, 1900
but not be limited to, an electronic method. 1901

(D) The results of a criminal records check conducted 1902
under this section, other than a criminal records check 1903
specified in division (A) (7) of this section, are valid for the 1904
person who is the subject of the criminal records check for a 1905
period of one year from the date upon which the superintendent 1906
completes the criminal records check. If during that period the 1907
superintendent receives another request for a criminal records 1908
check to be conducted under this section for that person, the 1909
superintendent shall provide the results from the previous 1910
criminal records check of the person at a lower fee than the fee 1911
prescribed for the initial criminal records check. 1912

(E) When the superintendent receives a request for 1913
information from a registered private provider, the 1914
superintendent shall proceed as if the request was received from 1915
a school district board of education under section 3319.39 of 1916
the Revised Code. The superintendent shall apply division (A) (1) 1917
(c) of this section to any such request for an applicant who is 1918
a teacher. 1919

(F) (1) Subject to division (F) (2) of this section, all 1920
information regarding the results of a criminal records check 1921
conducted under this section that the superintendent reports or 1922
sends under division (A) (7) or (9) of this section to the 1923
director of public safety, the treasurer of state, or the 1924
person, board, or entity that made the request for the criminal 1925
records check shall relate to the conviction of the subject 1926
person, or the subject person's plea of guilty to, a criminal 1927
offense. 1928

(2) Division (F) (1) of this section does not limit, 1929
restrict, or preclude the superintendent's release of 1930
information that relates to the arrest of a person who is 1931
eighteen years of age or older, to an adjudication of a child as 1932
a delinquent child, or to a criminal conviction of a person 1933
under eighteen years of age in circumstances in which a release 1934
of that nature is authorized under division (E) (2), (3), or (4) 1935
of section 109.57 of the Revised Code pursuant to a rule adopted 1936
under division (E) (1) of that section. 1937

(G) As used in this section: 1938

(1) "Criminal records check" means any criminal records 1939
check conducted by the superintendent of the bureau of criminal 1940
identification and investigation in accordance with division (B) 1941
of this section. 1942

(2) "Minor drug possession offense" has the same meaning 1943
as in section 2925.01 of the Revised Code. 1944

(3) "OVI or OVUAC violation" means a violation of section 1945
4511.19 of the Revised Code or a violation of an existing or 1946
former law of this state, any other state, or the United States 1947
that is substantially equivalent to section 4511.19 of the 1948

Revised Code. 1949

(4) "Registered private provider" means a nonpublic school 1950
or entity registered with the ~~superintendent of public~~ 1951
~~instruction department of education and workforce~~ under section 1952
3310.41 of the Revised Code to participate in the autism 1953
scholarship program or section 3310.58 of the Revised Code to 1954
participate in the Jon Peterson special needs scholarship 1955
program. 1956

Sec. 109.64. The bureau of criminal identification and 1957
investigation shall prepare a periodic information bulletin 1958
concerning missing children whom it determines may be present in 1959
this state. The bureau shall compile the bulletin from 1960
information contained in the national crime information center 1961
computer. The bulletin shall indicate the names and addresses of 1962
these minors who are the subject of missing children cases and 1963
other information that the superintendent of the bureau 1964
considers appropriate. The bulletin shall contain a reminder to 1965
law enforcement agencies of their responsibilities under section 1966
2901.30 of the Revised Code. 1967

The bureau shall send a copy of each periodic information 1968
bulletin to the missing children clearinghouse established under 1969
section 109.65 of the Revised Code for use in connection with 1970
its responsibilities under division (E) of that section. Upon 1971
receipt of each periodic information bulletin from the bureau, 1972
the missing children clearinghouse shall send a copy of the 1973
bulletin to each sheriff, marshal, police department of a 1974
municipal corporation, police force of a township police 1975
district or joint police district, and township constable in 1976
this state, to the board of education of each school district in 1977
this state, and to each nonpublic school in this state. The 1978

bureau shall provide a copy of the bulletin, upon request, to 1979
other persons or entities. The superintendent of the bureau, 1980
with the approval of the attorney general, may establish a 1981
reasonable fee for a copy of a bulletin provided to persons or 1982
entities other than law enforcement agencies in this or other 1983
states or of the federal government, the department of education 1984
and workforce, governmental entities of this state, and 1985
libraries in this state. The superintendent shall deposit all 1986
such fees collected into the missing children fund created by 1987
section 109.65 of the Revised Code. 1988

As used in this section, "missing children," 1989
"information," and "minor" have the same meanings as in section 1990
2901.30 of the Revised Code. 1991

Sec. 109.65. (A) As used in this section, "minor," 1992
"missing child," and "missing children" have the same meanings 1993
as in section 2901.30 of the Revised Code. 1994

(B) There is hereby created within the office of the 1995
attorney general the missing children clearinghouse. The 1996
attorney general shall administer the clearinghouse. The 1997
clearinghouse is established as a central repository of 1998
information to coordinate and improve the availability of 1999
information regarding missing children, which information shall 2000
be collected and disseminated by the clearinghouse to assist in 2001
the location of missing children. The clearinghouse shall act as 2002
an information repository separate from and in addition to law 2003
enforcement agencies within this state. 2004

(C) The missing children clearinghouse may perform any of 2005
the following functions: 2006

(1) The establishment of services to aid in the location 2007

of missing children that include, but are not limited to, any of	2008
the following services:	2009
(a) Assistance in the preparation and dissemination of	2010
flyers identifying and describing missing children and their	2011
abductors;	2012
(b) The development of informational forms for the	2013
reporting of missing children that may be used by parents,	2014
guardians, and law enforcement officials to facilitate the	2015
location of a missing child;	2016
(c) The provision of assistance to public and private	2017
organizations, boards of education, nonpublic schools,	2018
preschools, child care facilities, and law enforcement agencies	2019
in planning and implementing voluntary programs to fingerprint	2020
children.	2021
(2) The establishment and operation of a toll-free	2022
telephone line for supplemental reports of missing children and	2023
reports of sightings of missing children;	2024
(3) Upon the request of any person or entity and upon	2025
payment of any applicable fee established by the attorney	2026
general under division (H) of this section, the provision to the	2027
person or entity who makes the request of a copy of any	2028
information possessed by the clearinghouse that was acquired or	2029
prepared pursuant to division (E) (3) of this section;	2030
(4) The performance of liaison services between	2031
individuals and public and private agencies regarding procedures	2032
for handling and responding to missing children reports;	2033
(5) The participation as a member in any networks of other	2034
missing children centers or clearinghouses;	2035

(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children.

(D) If a board of education is notified by school personnel that a missing child is attending any school under the board's jurisdiction, or if the principal or chief administrative officer of a nonpublic school is notified by school personnel that a missing child is attending that school, the board or the principal or chief administrative officer immediately shall give notice of that fact to the missing children clearinghouse and to the law enforcement agency with jurisdiction over the area where the missing child resides.

(E) (1) The attorney general, in cooperation with the department of job and family services, shall establish a "missing child educational program" within the missing children clearinghouse that shall perform the functions specified in divisions (E) (1) to (3) of this section. The program shall operate under the supervision and control of the attorney general in accordance with procedures that the attorney general shall develop to implement divisions (E) (1) to (3) of this section. The attorney general shall cooperate with the department of education and workforce in developing and disseminating information acquired or prepared pursuant to division (E) (3) of this section.

(2) Upon the request of any board of education in this state or any nonpublic school in this state, the missing child educational program shall provide to the board or school a reasonable number of copies of the information acquired or prepared pursuant to division (E) (3) of this section.

Upon the request of any board of education in this state

or any nonpublic school in this state that, pursuant to section 2066
3313.96 of the Revised Code, is developing an information 2067
program concerning missing children issues and matters, the 2068
missing child educational program shall provide to the board or 2069
nonpublic school assistance in developing the information 2070
program. The assistance may include, but is not limited to, the 2071
provision of any or all of the following: 2072

(a) If the requesting entity is a board of education of a 2073
school district, sample policies on missing and exploited 2074
children issues to assist the board in complying with section 2075
3313.205 of the Revised Code; 2076

(b) Suggested safety curricula regarding missing children 2077
issues, including child safety and abduction prevention issues; 2078

(c) Assistance in developing, with local law enforcement 2079
agencies, prosecuting attorneys, boards of education, school 2080
districts, and nonpublic schools, cooperative programs for 2081
fingerprinting children; 2082

(d) Other assistance to further the goals of the program. 2083

(3) The missing child educational program shall acquire or 2084
prepare informational materials relating to missing children 2085
issues and matters. These issues and matters include, but are 2086
not limited to, the following: 2087

(a) The types of missing children; 2088

(b) The reasons why and how minors become missing 2089
children, the potential adverse consequences of a minor becoming 2090
a missing child, and, in the case of minors who are considering 2091
running away from home or from the care, custody, and control of 2092
their parents, parent who is the residential parent and legal 2093
custodian, guardian, legal custodian, or another person 2094

responsible for them, alternatives that may be available to	2095
address their concerns and problems;	2096
(c) Offenses under federal law that could relate to	2097
missing children and other provisions of federal law that focus	2098
on missing children;	2099
(d) Offenses under the Revised Code that could relate to	2100
missing children, including, but not limited to, kidnapping,	2101
abduction, unlawful restraint, child stealing, interference with	2102
custody, endangering children, domestic violence, abuse of a	2103
child and contributing to the dependency, neglect, unruliness,	2104
or delinquency of a child, sexual offenses, drug offenses,	2105
prostitution offenses, and obscenity offenses, and other	2106
provisions of the Revised Code that could relate to missing	2107
children;	2108
(e) Legislation being considered by the general assembly,	2109
legislatures of other states, the congress of the United States,	2110
and political subdivisions in this or any other state to address	2111
missing children issues;	2112
(f) Sources of information on missing children issues;	2113
(g) State, local, federal, and private systems for	2114
locating and identifying missing children;	2115
(h) Law enforcement agency programs, responsibilities, and	2116
investigative techniques in missing children matters;	2117
(i) Efforts on the community level in this and other	2118
states, concerning missing children issues and matters, by	2119
governmental entities and private organizations;	2120
(j) The identification of private organizations that,	2121
among their primary objectives, address missing children issues	2122

and matters; 2123

(k) How to avoid becoming a missing child and what to do 2124
if one becomes a missing child; 2125

(l) Efforts that schools, parents, and members of a 2126
community can undertake to reduce the risk that a minor will 2127
become a missing child and to quickly locate or identify a minor 2128
if he becomes a missing child, including, but not limited to, 2129
fingerprinting programs. 2130

(F) Each year the missing children clearinghouse shall 2131
issue a report describing its performance of the functions 2132
specified in division (E) of this section and shall provide a 2133
copy of the report to the speaker of the house of 2134
representatives, the president of the senate, the governor, the 2135
superintendent of the bureau of criminal identification and 2136
investigation, and the director of job and family services. 2137

(G) Any state agency or political subdivision of this 2138
state that operates a missing children program or a 2139
clearinghouse for information about missing children shall 2140
coordinate its activities with the missing children 2141
clearinghouse. 2142

(H) The attorney general shall determine a reasonable fee 2143
to be charged for providing to any person or entity other than a 2144
state or local law enforcement agency of this or any other 2145
state, a law enforcement agency of the United States, a board of 2146
education of a school district in this state, a nonpublic school 2147
in this state, a governmental entity in this state, or a public 2148
library in this state, pursuant to division (A)(3) of this 2149
section, copies of any information acquired or prepared pursuant 2150
to division (E)(3) of this section. The attorney general shall 2151

collect the fee prior to sending or giving copies of any 2152
information to any person or entity for whom or which this 2153
division requires the fee to be charged and shall deposit the 2154
fee into the missing children fund created by division (I) of 2155
this section. 2156

(I) There is hereby created in the state treasury the 2157
missing children fund that shall consist of all moneys awarded 2158
to the state by donation, gift, or bequest, all other moneys 2159
received for purposes of this section, and all fees collected 2160
pursuant to this section or section 109.64 of the Revised Code. 2161
The attorney general shall use the moneys in the missing 2162
children fund only for purposes of the office of the attorney 2163
general acquiring or preparing information pursuant to division 2164
(E) (3) of this section. 2165

(J) The failure of the missing children clearinghouse to 2166
undertake any function or activity authorized in this section 2167
does not create a cause of action against the state. 2168

Sec. 109.71. There is hereby created in the office of the 2169
attorney general the Ohio peace officer training commission. The 2170
commission shall consist of ten members appointed by the 2171
governor with the advice and consent of the senate and selected 2172
as follows: one member representing the public; one member who 2173
represents a fraternal organization representing law enforcement 2174
officers; two members who are incumbent sheriffs; two members 2175
who are incumbent chiefs of police; one member from the bureau 2176
of criminal identification and investigation; one member from 2177
the state highway patrol; one member who is the special agent in 2178
charge of a field office of the federal bureau of investigation 2179
in this state; and one member from the department of education_ 2180
and workforce, trade and industrial education services, law 2181

enforcement training. 2182

This section does not confer any arrest authority or any 2183
ability or authority to detain a person, write or issue any 2184
citation, or provide any disposition alternative, as granted 2185
under Chapter 2935. of the Revised Code. 2186

Pursuant to division (A) (9) of section 101.82 of the 2187
Revised Code, the commission is exempt from the requirements of 2188
sections 101.82 to 101.87 of the Revised Code. 2189

As used in sections 109.71 to 109.801 of the Revised Code: 2190

(A) "Peace officer" means: 2191

(1) A deputy sheriff, marshal, deputy marshal, member of 2192
the organized police department of a township or municipal 2193
corporation, member of a township police district or joint 2194
police district police force, member of a police force employed 2195
by a metropolitan housing authority under division (D) of 2196
section 3735.31 of the Revised Code, or township constable, who 2197
is commissioned and employed as a peace officer by a political 2198
subdivision of this state or by a metropolitan housing 2199
authority, and whose primary duties are to preserve the peace, 2200
to protect life and property, and to enforce the laws of this 2201
state, ordinances of a municipal corporation, resolutions of a 2202
township, or regulations of a board of county commissioners or 2203
board of township trustees, or any of those laws, ordinances, 2204
resolutions, or regulations; 2205

(2) A police officer who is employed by a railroad company 2206
and appointed and commissioned by the secretary of state 2207
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 2208

(3) Employees of the department of taxation engaged in the 2209
enforcement of Chapter 5743. of the Revised Code and designated 2210

by the tax commissioner for peace officer training for purposes	2211
of the delegation of investigation powers under section 5743.45	2212
of the Revised Code;	2213
(4) An undercover drug agent;	2214
(5) Enforcement agents of the department of public safety	2215
whom the director of public safety designates under section	2216
5502.14 of the Revised Code;	2217
(6) An employee of the department of natural resources who	2218
is a natural resources law enforcement staff officer designated	2219
pursuant to section 1501.013, a natural resources officer	2220
appointed pursuant to section 1501.24, a forest-fire	2221
investigator appointed pursuant to section 1503.09, or a	2222
wildlife officer designated pursuant to section 1531.13 of the	2223
Revised Code;	2224
(7) An employee of a park district who is designated	2225
pursuant to section 511.232 or 1545.13 of the Revised Code;	2226
(8) An employee of a conservancy district who is	2227
designated pursuant to section 6101.75 of the Revised Code;	2228
(9) A police officer who is employed by a hospital that	2229
employs and maintains its own proprietary police department or	2230
security department, and who is appointed and commissioned by	2231
the secretary of state pursuant to sections 4973.17 to 4973.22	2232
of the Revised Code;	2233
(10) Veterans' homes police officers designated under	2234
section 5907.02 of the Revised Code;	2235
(11) A police officer who is employed by a qualified	2236
nonprofit corporation police department pursuant to section	2237
1702.80 of the Revised Code;	2238

- (12) A state university law enforcement officer appointed 2239
under section 3345.04 of the Revised Code or a person serving as 2240
a state university law enforcement officer on a permanent basis 2241
on June 19, 1978, who has been awarded a certificate by the 2242
executive director of the Ohio peace officer training commission 2243
attesting to the person's satisfactory completion of an approved 2244
state, county, municipal, or department of natural resources 2245
peace officer basic training program; 2246
- (13) A special police officer employed by the department 2247
of mental health and addiction services pursuant to section 2248
5119.08 of the Revised Code or the department of developmental 2249
disabilities pursuant to section 5123.13 of the Revised Code; 2250
- (14) A member of a campus police department appointed 2251
under section 1713.50 of the Revised Code; 2252
- (15) A member of a police force employed by a regional 2253
transit authority under division (Y) of section 306.35 of the 2254
Revised Code; 2255
- (16) Investigators appointed by the auditor of state 2256
pursuant to section 117.091 of the Revised Code and engaged in 2257
the enforcement of Chapter 117. of the Revised Code; 2258
- (17) A special police officer designated by the 2259
superintendent of the state highway patrol pursuant to section 2260
5503.09 of the Revised Code or a person who was serving as a 2261
special police officer pursuant to that section on a permanent 2262
basis on October 21, 1997, and who has been awarded a 2263
certificate by the executive director of the Ohio peace officer 2264
training commission attesting to the person's satisfactory 2265
completion of an approved state, county, municipal, or 2266
department of natural resources peace officer basic training 2267

program; 2268

(18) A special police officer employed by a port authority 2269
under section 4582.04 or 4582.28 of the Revised Code or a person 2270
serving as a special police officer employed by a port authority 2271
on a permanent basis on May 17, 2000, who has been awarded a 2272
certificate by the executive director of the Ohio peace officer 2273
training commission attesting to the person's satisfactory 2274
completion of an approved state, county, municipal, or 2275
department of natural resources peace officer basic training 2276
program; 2277

(19) A special police officer employed by a municipal 2278
corporation who has been awarded a certificate by the executive 2279
director of the Ohio peace officer training commission for 2280
satisfactory completion of an approved peace officer basic 2281
training program and who is employed on a permanent basis on or 2282
after March 19, 2003, at a municipal airport, or other municipal 2283
air navigation facility, that has scheduled operations, as 2284
defined in section 119.3 of Title 14 of the Code of Federal 2285
Regulations, 14 C.F.R. 119.3, as amended, and that is required 2286
to be under a security program and is governed by aviation 2287
security rules of the transportation security administration of 2288
the United States department of transportation as provided in 2289
Parts 1542. and 1544. of Title 49 of the Code of Federal 2290
Regulations, as amended; 2291

(20) A police officer who is employed by an owner or 2292
operator of an amusement park that has an average yearly 2293
attendance in excess of six hundred thousand guests and that 2294
employs and maintains its own proprietary police department or 2295
security department, and who is appointed and commissioned by a 2296
judge of the appropriate municipal court or county court 2297

pursuant to section 4973.17 of the Revised Code; 2298

(21) A police officer who is employed by a bank, savings 2299
and loan association, savings bank, credit union, or association 2300
of banks, savings and loan associations, savings banks, or 2301
credit unions, who has been appointed and commissioned by the 2302
secretary of state pursuant to sections 4973.17 to 4973.22 of 2303
the Revised Code, and who has been awarded a certificate by the 2304
executive director of the Ohio peace officer training commission 2305
attesting to the person's satisfactory completion of a state, 2306
county, municipal, or department of natural resources peace 2307
officer basic training program; 2308

(22) An investigator, as defined in section 109.541 of the 2309
Revised Code, of the bureau of criminal identification and 2310
investigation who is commissioned by the superintendent of the 2311
bureau as a special agent for the purpose of assisting law 2312
enforcement officers or providing emergency assistance to peace 2313
officers pursuant to authority granted under that section; 2314

(23) A state fire marshal law enforcement officer 2315
appointed under section 3737.22 of the Revised Code or a person 2316
serving as a state fire marshal law enforcement officer on a 2317
permanent basis on or after July 1, 1982, who has been awarded a 2318
certificate by the executive director of the Ohio peace officer 2319
training commission attesting to the person's satisfactory 2320
completion of an approved state, county, municipal, or 2321
department of natural resources peace officer basic training 2322
program; 2323

(24) A gaming agent employed under section 3772.03 of the 2324
Revised Code; 2325

(25) An employee of the state board of pharmacy designated 2326

by the executive director of the board pursuant to section 2327
4729.04 of the Revised Code to investigate violations of 2328
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 2329
Revised Code and rules adopted thereunder. 2330

(B) "Undercover drug agent" has the same meaning as in 2331
division (B) (2) of section 109.79 of the Revised Code. 2332

(C) "Crisis intervention training" means training in the 2333
use of interpersonal and communication skills to most 2334
effectively and sensitively interview victims of rape. 2335

(D) "Missing children" has the same meaning as in section 2336
2901.30 of the Revised Code. 2337

(E) "Tactical medical professional" means an EMT, EMT- 2338
basic, AEMT, EMT-I, paramedic, nurse, or physician who is 2339
trained and certified in a nationally recognized tactical 2340
medical training program that is equivalent to "tactical combat 2341
casualty care" (TCCC) and "tactical emergency medical support" 2342
(TEMS) and who functions in the tactical or austere environment 2343
while attached to a law enforcement agency of either this state 2344
or a political subdivision of this state. 2345

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 2346
meanings as in section 4765.01 of the Revised Code and "EMT" and 2347
"AEMT" have the same meanings as in section 4765.011 of the 2348
Revised Code. 2349

(G) "Nurse" means any of the following: 2350

(1) Any person who is licensed to practice nursing as a 2351
registered nurse by the board of nursing; 2352

(2) Any certified nurse practitioner, clinical nurse 2353
specialist, certified registered nurse anesthetist, or certified 2354

nurse-midwife who holds a certificate of authority issued by the 2355
board of nursing under Chapter 4723. of the Revised Code; 2356

(3) Any person who is licensed to practice nursing as a 2357
licensed practical nurse by the board of nursing pursuant to 2358
Chapter 4723. of the Revised Code. 2359

(H) "Physician" means a person who is licensed pursuant to 2360
Chapter 4731. of the Revised Code to practice medicine and 2361
surgery or osteopathic medicine and surgery. 2362

(I) "County correctional officer" has the same meaning as 2363
in section 341.41 of the Revised Code. 2364

Sec. 109.72. Ohio peace officer training commission member 2365
terms shall be for three years, commencing on the twentieth day 2366
of September and ending on the nineteenth day of September. Each 2367
member shall hold office from the date of appointment until the 2368
end of the term to which the member was appointed. Any member 2369
appointed to fill a vacancy occurring prior to the expiration of 2370
the term for which the member's predecessor was appointed shall 2371
hold office for the remainder of such term. Any member shall 2372
continue in office subsequent to the expiration date of the 2373
member's term until the member's successor takes office, or 2374
until a period of sixty days has elapsed, whichever occurs 2375
first. An interim chairperson shall be appointed by the governor 2376
until such time as the commission elects a permanent 2377
chairperson. 2378

Any member of the commission appointed pursuant to section 2379
109.71 of the Revised Code as an incumbent sheriff, incumbent 2380
chief of police, representative of the state highway patrol, 2381
state department of education and workforce, federal bureau of 2382
investigation, and bureau of criminal identification and 2383

investigation, shall immediately, upon termination of holding 2384
such office, cease to be a member of the commission, and a 2385
successor shall be appointed. 2386

The commission shall meet at least four times each year. 2387
Special meetings may be called by the chairperson and shall be 2388
called by the chairperson at the request of the attorney general 2389
or upon the written request of five members of the commission. 2390
The commission may establish its own requirements as to quorum 2391
and its own procedures with respect to the conduct of its 2392
meetings and other affairs; provided, that all recommendations 2393
by the commission to the attorney general pursuant to section 2394
109.74 of the Revised Code shall require the affirmative vote of 2395
five members of the commission. 2396

Membership on the commission does not constitute the 2397
holding of an office, and members of the commission shall not be 2398
required to take and file oaths of office before serving on the 2399
commission. The commission shall not exercise any portion of the 2400
sovereign power of the state. 2401

The members of the commission shall receive no 2402
compensation for their services but shall be allowed their 2403
actual and necessary expenses incurred in the performance of 2404
their duties. 2405

No member of the commission shall be disqualified from 2406
holding any public office or employment, nor shall the member 2407
forfeit any such office or employment, by reason of appointment 2408
to the commission, notwithstanding any general, special, or 2409
local law, ordinance, or city charter to the contrary. 2410

Sec. 109.746. (A) The attorney general may prepare public 2411
awareness programs that are designed to educate potential 2412

victims of violations of section 2905.32 of the Revised Code and 2413
their families of the risks of becoming a victim of a violation 2414
of that section. The attorney general may prepare these programs 2415
with assistance from the department of health, the department of 2416
mental health and addiction services, the department of job and 2417
family services, and the department of education and workforce. 2418

(B) Any organization, person, or other governmental agency 2419
with an interest and expertise in trafficking in persons may 2420
submit information or materials to the attorney general 2421
regarding the preparation of the programs and materials 2422
permitted under this section. The attorney general, in 2423
developing the programs and materials permitted by this section, 2424
shall consider any information submitted pursuant to this 2425
division. 2426

Sec. 113.73. (A) The Ohio state and local government 2427
expenditure database shall include the following features: 2428

(1) A searchable database of all expenditures; 2429

(2) The ability to filter expenditures by the following 2430
categories: 2431

(a) The category of expense; 2432

(b) The Ohio administrative knowledge system accounting 2433
code for a specific good or service. 2434

(3) The ability to search and filter by any of the factors 2435
listed in section 113.72 of the Revised Code; 2436

(4) The ability to aggregate data contained in the 2437
database; 2438

(5) The ability to determine the total amount of 2439
expenditures awarded to a supplier by a state entity; 2440

(6) The ability to download information obtained through 2441
the database; 2442

(7) A searchable database of state and school district 2443
employee salary and employment information. 2444

(B) The information required under division (A) (7) of this 2445
section shall be provided by the department of administrative 2446
services or the department of education and workforce, as 2447
applicable. 2448

Sec. 117.46. Each biennium the auditor of state shall 2449
conduct a minimum of four performance audits under this section. 2450
Except as otherwise provided in this section, at least two of 2451
the audits shall be of state agencies selected from a list 2452
comprised of the administrative departments listed in section 2453
121.02 of the Revised Code and the department of education and 2454
workforce and at least two of the audits shall be of other state 2455
agencies. At the auditor of state's discretion, the auditor of 2456
state may also conduct performance audits of state institutions 2457
of higher education. The offices of the attorney general, 2458
auditor of state, governor, secretary of state, and treasurer of 2459
state and agencies of the legislative and judicial branches are 2460
not subject to an audit under this section. 2461

The auditor shall select each agency or institution to be 2462
audited and shall determine whether to audit the entire agency 2463
or institution or a portion of the agency or institution by 2464
auditing one or more programs, offices, boards, councils, or 2465
other entities within that agency or institution. The auditor 2466
shall make the selection and determination in consultation with 2467
the governor and the speaker and minority leader of the house of 2468
representatives and president and minority leader of the senate. 2469

An audit of a portion of an agency or institution shall be 2470
considered an audit of one agency or institution. The authority 2471
to audit a portion of an agency or institution in no way limits 2472
the auditor's ability to audit an entire agency or institution 2473
if it is in the best interest of the state. 2474

The performance audits under this section shall be 2475
conducted pursuant to sections 117.01 and 117.13 of the Revised 2476
Code. In conducting a performance audit, the auditor of state 2477
shall determine the scope of the audit, but shall consider, if 2478
appropriate, supervisory and subordinate level operations in the 2479
agency or institution. A performance audit under this section 2480
shall not include review or evaluation of an institution's 2481
academic performance. 2482

As used in this section and in sections 117.461, 117.462, 2483
117.463, 117.47, 117.471, and 147.472 of the Revised Code, 2484
"state institution of higher education" has the meaning defined 2485
in section 3345.011 of the Revised Code. 2486

Sec. 121.02. The following administrative departments and 2487
their respective directors are hereby created: 2488

(A) The office of budget and management, which shall be 2489
administered by the director of budget and management; 2490

(B) The department of commerce, which shall be 2491
administered by the director of commerce; 2492

(C) The department of administrative services, which shall 2493
be administered by the director of administrative services; 2494

(D) The department of transportation, which shall be 2495
administered by the director of transportation; 2496

(E) The department of agriculture, which shall be 2497

administered by the director of agriculture;	2498
(F) The department of natural resources, which shall be administered by the director of natural resources;	2499 2500
(G) The department of health, which shall be administered by the director of health;	2501 2502
(H) The department of job and family services, which shall be administered by the director of job and family services;	2503 2504
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	2505 2506
(J) The department of public safety, which shall be administered by the director of public safety;	2507 2508
(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services;	2509 2510 2511
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	2512 2513 2514
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	2515 2516 2517
(N) The department of development, which shall be administered by the director of development;	2518 2519
(O) The department of youth services, which shall be administered by the director of youth services;	2520 2521
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	2522 2523 2524

(Q) The environmental protection agency, which shall be administered by the director of environmental protection;	2525 2526
(R) The department of aging, which shall be administered by the director of aging;	2527 2528
(S) The department of veterans services, which shall be administered by the director of veterans services;	2529 2530
(T) The department of medicaid, which shall be administered by the medicaid director;	2531 2532
<u>(U) The department of education and workforce, which shall be administered by the director of education and workforce.</u>	2533 2534
The director of each department shall exercise the powers and perform the duties vested by law in such department.	2535 2536
Sec. 121.03. The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.	2537 2538 2539 2540 2541
(A) The director of budget and management;	2542
(B) The director of commerce;	2543
(C) The director of transportation;	2544
(D) The director of agriculture;	2545
(E) The director of job and family services;	2546
(F) Until July 1, 1997, the director of liquor control;	2547
(G) The director of public safety;	2548
(H) The superintendent of insurance;	2549

(I) The director of development;	2550
(J) The tax commissioner;	2551
(K) The director of administrative services;	2552
(L) The director of natural resources;	2553
(M) The director of mental health and addiction services;	2554
(N) The director of developmental disabilities;	2555
(O) The director of health;	2556
(P) The director of youth services;	2557
(Q) The director of rehabilitation and correction;	2558
(R) The director of environmental protection;	2559
(S) The director of aging;	2560
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	2561 2562 2563
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	2564 2565 2566
(V) The chancellor of higher education;	2567
(W) The medicaid director;	2568
<u>(X) The director of education and workforce.</u>	2569
Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:	2570 2571 2572 2573 2574

(1) The department of aging;	2575
(2) The development services agency;	2576
(3) The department of developmental disabilities;	2577
(4) The department of education <u>and workforce</u> ;	2578
(5) The department of health;	2579
(6) The department of job and family services;	2580
(7) The department of medicaid;	2581
(8) The department of mental health and addiction services;	2582 2583
(9) The opportunities for Ohioans with disabilities agency.	2584 2585
(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.	2586 2587 2588 2589 2590 2591
Sec. 121.37. (A) (1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction <u>director of</u> <u>education and workforce</u> , the executive director of the opportunities for Ohioans with disabilities agency, the medicaid director, and the directors of youth services, job and family services, mental health and addiction services, health, developmental disabilities, aging, rehabilitation and correction, and budget and management. The chairperson of the council shall be the governor or the governor's designee and	2592 2593 2594 2595 2596 2597 2598 2599 2600 2601

shall establish procedures for the council's internal control 2602
and management. 2603

The purpose of the cabinet council is to help families 2604
seeking government services. This section shall not be 2605
interpreted or applied to usurp the role of parents, but solely 2606
to streamline and coordinate existing government services for 2607
families seeking assistance for their children. 2608

(2) In seeking to fulfill its purpose, the council may do 2609
any of the following: 2610

(a) Advise and make recommendations to the governor and 2611
general assembly regarding the provision of services to 2612
children; 2613

(b) Advise and assess local governments on the 2614
coordination of service delivery to children; 2615

(c) Hold meetings at such times and places as may be 2616
prescribed by the council's procedures and maintain records of 2617
the meetings, except that records identifying individual 2618
children are confidential and shall be disclosed only as 2619
provided by law; 2620

(d) Develop programs and projects, including pilot 2621
projects, to encourage coordinated efforts at the state and 2622
local level to improve the state's social service delivery 2623
system; 2624

(e) Enter into contracts with and administer grants to 2625
county family and children first councils, as well as other 2626
county or multicounty organizations to plan and coordinate 2627
service delivery between state agencies and local service 2628
providers for families and children; 2629

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	2630 2631
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	2632 2633 2634 2635 2636
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	2637 2638 2639 2640 2641
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	2642 2643 2644 2645
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	2646 2647 2648 2649
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	2650 2651 2652 2653
(3) The cabinet council shall provide for the following:	2654
(a) Reviews of service and treatment plans for children for which such reviews are requested;	2655 2656
(b) Assistance as the council determines to be necessary	2657

to meet the needs of children referred by county family and 2658
children first councils; 2659

(c) Monitoring and supervision of a statewide, 2660
comprehensive, coordinated, multi-disciplinary, interagency 2661
system for infants and toddlers with developmental disabilities 2662
or delays and their families, as established pursuant to federal 2663
grants received and administered by the department of health for 2664
early intervention services under the "Individuals with 2665
Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 2666
1400, as amended. 2667

(4) The cabinet council shall develop and implement the 2668
following: 2669

(a) An interagency process to select the indicators that 2670
will be used to measure progress toward increasing child well- 2671
being in the state and to update the indicators on an annual 2672
basis. The indicators shall focus on expectant parents and 2673
newborns thriving; infants and toddlers thriving; children being 2674
ready for school; children and youth succeeding in school; youth 2675
choosing healthy behaviors; and youth successfully transitioning 2676
into adulthood. 2677

(b) An interagency system to offer guidance and monitor 2678
progress toward increasing child well-being in the state and in 2679
each county; 2680

(c) An annual plan that identifies state-level agency 2681
efforts taken to ensure progress towards increasing child well- 2682
being in the state. 2683

On an annual basis, the cabinet council shall submit to 2684
the governor and the general assembly a report on the status of 2685
efforts to increase child well-being in the state. This report 2686

shall be made available to any other person on request. 2687

(B) (1) Each board of county commissioners shall establish 2688
a county family and children first council. The board may invite 2689
any local public or private agency or group that funds, 2690
advocates, or provides services to children and families to have 2691
a representative become a permanent or temporary member of its 2692
county council. Each county council must include the following 2693
individuals: 2694

(a) At least three individuals who are not employed by an 2695
agency represented on the council and whose families are or have 2696
received services from an agency represented on the council or 2697
another county's council. Where possible, the number of members 2698
representing families shall be equal to twenty per cent of the 2699
council's membership. 2700

(b) The director of the board of alcohol, drug addiction, 2701
and mental health services that serves the county, or, in the 2702
case of a county that has a board of alcohol and drug addiction 2703
services and a community mental health board, the directors of 2704
both boards. If a board of alcohol, drug addiction, and mental 2705
health services covers more than one county, the director may 2706
designate a person to participate on the county's council. 2707

(c) The health commissioner, or the commissioner's 2708
designee, of the board of health of each city and general health 2709
district in the county. If the county has two or more health 2710
districts, the health commissioner membership may be limited to 2711
the commissioners of the two districts with the largest 2712
populations. 2713

(d) The director of the county department of job and 2714
family services; 2715

(e) The executive director of the public children services agency;	2716 2717
(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;	2718 2719 2720 2721
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education <u>and workforce</u> , which shall notify each board of county commissioners of its determination at least biennially;	2722 2723 2724 2725 2726
(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;	2727 2728 2729
(i) A representative of the municipal corporation with the largest population in the county;	2730 2731
(j) The president of the board of county commissioners or an individual designated by the board;	2732 2733
(k) A representative of the department of youth services or an individual designated by the department;	2734 2735
(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;	2736 2737
(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";	2738 2739 2740 2741
(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.	2742 2743

Notwithstanding any other provision of law, the public 2744
members of a county council are not prohibited from serving on 2745
the council and making decisions regarding the duties of the 2746
council, including those involving the funding of joint projects 2747
and those outlined in the county's service coordination 2748
mechanism implemented pursuant to division (C) of this section. 2749

The cabinet council shall establish a state appeals 2750
process to resolve disputes among the members of a county 2751
council concerning whether reasonable responsibilities as 2752
members are being shared. The appeals process may be accessed 2753
only by a majority vote of the council members who are required 2754
to serve on the council. Upon appeal, the cabinet council may 2755
order that state funds for services to children and families be 2756
redirected to a county's board of county commissioners. 2757

The county's juvenile court judge senior in service or 2758
another judge of the juvenile court designated by the 2759
administrative judge or, where there is no administrative judge, 2760
by the judge senior in service shall serve as the judicial 2761
advisor to the county family and children first council. The 2762
judge may advise the county council on the court's utilization 2763
of resources, services, or programs provided by the entities 2764
represented by the members of the county council and how those 2765
resources, services, or programs assist the court in its 2766
administration of justice. Service of a judge as a judicial 2767
advisor pursuant to this section is a judicial function. 2768

(2) The purpose of the county council is to streamline and 2769
coordinate existing government services for families seeking 2770
services for their children. In seeking to fulfill its purpose, 2771
a county council shall provide for the following: 2772

(a) Referrals to the cabinet council of those children for 2773

whom the county council cannot provide adequate services;	2774
(b) Development and implementation of a process that	2775
annually evaluates and prioritizes services, fills service gaps	2776
where possible, and invents new approaches to achieve better	2777
results for families and children;	2778
(c) Participation in the development of a countywide,	2779
comprehensive, coordinated, multi-disciplinary, interagency	2780
system for infants and toddlers with developmental disabilities	2781
or delays and their families, as established pursuant to federal	2782
grants received and administered by the department of health for	2783
early intervention services under the "Individuals with	2784
Disabilities Education Act of 2004";	2785
(d) Maintenance of an accountability system to monitor the	2786
county council's progress in achieving results for families and	2787
children;	2788
(e) Establishment of a mechanism to ensure ongoing input	2789
from a broad representation of families who are receiving	2790
services within the county system.	2791
(3) A county council shall develop and implement the	2792
following:	2793
(a) An interagency process to establish local indicators	2794
and monitor the county's progress toward increasing child well-	2795
being in the county;	2796
(b) An interagency process to identify local priorities to	2797
increase child well-being. The local priorities shall focus on	2798
expectant parents and newborns thriving; infants and toddlers	2799
thriving; children being ready for school; children and youth	2800
succeeding in school; youth choosing healthy behaviors; and	2801
youth successfully transitioning into adulthood and take into	2802

account the indicators established by the cabinet council under 2803
division (A) (4) (a) of this section. 2804

(c) An annual plan that identifies the county's 2805
interagency efforts to increase child well-being in the county. 2806

On an annual basis, the county council shall submit a 2807
report on the status of efforts by the county to increase child 2808
well-being in the county to the county's board of county 2809
commissioners and the cabinet council. This report shall be made 2810
available to any other person on request. 2811

(4) (a) Except as provided in division (B) (4) (b) of this 2812
section, a county council shall comply with the policies, 2813
procedures, and activities prescribed by the rules or 2814
interagency agreements of a state department participating on 2815
the cabinet council whenever the county council performs a 2816
function subject to those rules or agreements. 2817

(b) On application of a county council, the cabinet 2818
council may grant an exemption from any rules or interagency 2819
agreements of a state department participating on the council if 2820
an exemption is necessary for the council to implement an 2821
alternative program or approach for service delivery to families 2822
and children. The application shall describe the proposed 2823
program or approach and specify the rules or interagency 2824
agreements from which an exemption is necessary. The cabinet 2825
council shall approve or disapprove the application in 2826
accordance with standards and procedures it shall adopt. If an 2827
application is approved, the exemption is effective only while 2828
the program or approach is being implemented, including a 2829
reasonable period during which the program or approach is being 2830
evaluated for effectiveness. 2831

(5) (a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of developmental disabilities; any of the county's boards of education or governing boards of educational service centers; or the county's juvenile court. Any of the foregoing public entities, other than the board of county commissioners, may decline to serve as the council's administrative agent.

A county council's administrative agent shall serve as the council's appointing authority for any employees of the council. The council shall file an annual budget with its administrative agent, with copies filed with the county auditor and with the board of county commissioners, unless the board is serving as the council's administrative agent. The council's administrative agent shall ensure that all expenditures are handled in accordance with policies, procedures, and activities prescribed by state departments in rules or interagency agreements that are applicable to the council's functions.

The administrative agent of a county council shall send notice of a member's absence if a member listed in division (B) (1) of this section has been absent from either three consecutive meetings of the county council or a county council subcommittee, or from one-quarter of such meetings in a calendar year, whichever is less. The notice shall be sent to the board

of county commissioners that establishes the county council and, 2863
for the members listed in divisions (B) (1) (b), (c), (e), and (l) 2864
of this section, to the governing board overseeing the 2865
respective entity; for the member listed in division (B) (1) (f) 2866
of this section, to the county board of developmental 2867
disabilities that employs the superintendent; for a member 2868
listed in division (B) (1) (g) or (h) of this section, to the 2869
school board that employs the superintendent; for the member 2870
listed in division (B) (1) (i) of this section, to the mayor of 2871
the municipal corporation; for the member listed in division (B) 2872
(1) (k) of this section, to the director of youth services; and 2873
for the member listed in division (B) (1) (n) of this section, to 2874
that member's board of trustees. 2875

The administrative agent for a county council may do any 2876
of the following on behalf of the council: 2877

(i) Enter into agreements or administer contracts with 2878
public or private entities to fulfill specific council business. 2879
Such agreements and contracts are exempt from the competitive 2880
bidding requirements of section 307.86 of the Revised Code if 2881
they have been approved by the county council and they are for 2882
the purchase of family and child welfare or child protection 2883
services or other social or job and family services for families 2884
and children. The approval of the county council is not required 2885
to exempt agreements or contracts entered into under section 2886
5139.34, 5139.41, or 5139.43 of the Revised Code from the 2887
competitive bidding requirements of section 307.86 of the 2888
Revised Code. 2889

(ii) As determined by the council, provide financial 2890
stipends, reimbursements, or both, to family representatives for 2891
expenses related to council activity; 2892

(iii) Receive by gift, grant, devise, or bequest any 2893
moneys, lands, or other property for the purposes for which the 2894
council is established. The agent shall hold, apply, and dispose 2895
of the moneys, lands, or other property according to the terms 2896
of the gift, grant, devise, or bequest. Any interest or earnings 2897
shall be treated in the same manner and are subject to the same 2898
terms as the gift, grant, devise, or bequest from which it 2899
accrues. 2900

(b) (i) If the county council designates the board of 2901
county commissioners as its administrative agent, the board may, 2902
by resolution, delegate any of its powers and duties as 2903
administrative agent to an executive committee the board 2904
establishes from the membership of the county council. The board 2905
shall name to the executive committee at least the individuals 2906
described in divisions (B) (1) (b) to (h) of this section and may 2907
appoint the president of the board or another individual as the 2908
chair of the executive committee. The executive committee must 2909
include at least one family county council representative who 2910
does not have a family member employed by an agency represented 2911
on the council. 2912

(ii) The executive committee may, with the approval of the 2913
board, hire an executive director to assist the county council 2914
in administering its powers and duties. The executive director 2915
shall serve in the unclassified civil service at the pleasure of 2916
the executive committee. The executive director may, with the 2917
approval of the executive committee, hire other employees as 2918
necessary to properly conduct the county council's business. 2919

(iii) The board may require the executive committee to 2920
submit an annual budget to the board for approval and may amend 2921
or repeal the resolution that delegated to the executive 2922

committee its authority as the county council's administrative 2923
agent. 2924

(6) Two or more county councils may enter into an 2925
agreement to administer their county councils jointly by 2926
creating a regional family and children first council. A 2927
regional council possesses the same duties and authority 2928
possessed by a county council, except that the duties and 2929
authority apply regionally rather than to individual counties. 2930
Prior to entering into an agreement to create a regional 2931
council, the members of each county council to be part of the 2932
regional council shall meet to determine whether all or part of 2933
the members of each county council will serve as members of the 2934
regional council. 2935

(7) A board of county commissioners may approve a 2936
resolution by a majority vote of the board's members that 2937
requires the county council to submit a statement to the board 2938
each time the council proposes to enter into an agreement, adopt 2939
a plan, or make a decision, other than a decision pursuant to 2940
section 121.38 of the Revised Code, that requires the 2941
expenditure of funds for two or more families. The statement 2942
shall describe the proposed agreement, plan, or decision. 2943

Not later than fifteen days after the board receives the 2944
statement, it shall, by resolution approved by a majority of its 2945
members, approve or disapprove the agreement, plan, or decision. 2946
Failure of the board to pass a resolution during that time 2947
period shall be considered approval of the agreement, plan, or 2948
decision. 2949

An agreement, plan, or decision for which a statement is 2950
required to be submitted to the board shall be implemented only 2951
if it is approved by the board. 2952

(C) Each county shall develop a county service 2953
coordination mechanism. The county service coordination 2954
mechanism shall serve as the guiding document for coordination 2955
of services in the county. For children who also receive 2956
services under the help me grow program, the service 2957
coordination mechanism shall be consistent with rules adopted by 2958
the department of health under section 3701.61 of the Revised 2959
Code. All family service coordination plans shall be developed 2960
in accordance with the county service coordination mechanism. 2961
The mechanism shall be developed and approved with the 2962
participation of the county entities representing child welfare; 2963
developmental disabilities; alcohol, drug addiction, and mental 2964
health services; health; juvenile judges; education; the county 2965
family and children first council; and the county early 2966
intervention collaborative established pursuant to the federal 2967
early intervention program operated under the "Individuals with 2968
Disabilities Education Act of 2004." The county shall establish 2969
an implementation schedule for the mechanism. The cabinet 2970
council may monitor the implementation and administration of 2971
each county's service coordination mechanism. 2972

Each mechanism shall include all of the following: 2973

(1) A procedure for an agency, including a juvenile court, 2974
or a family voluntarily seeking service coordination, to refer 2975
the child and family to the county council for service 2976
coordination in accordance with the mechanism; 2977

(2) A procedure ensuring that a family and all appropriate 2978
staff from involved agencies, including a representative from 2979
the appropriate school district, are notified of and invited to 2980
participate in all family service coordination plan meetings; 2981

(3) A procedure that permits a family to initiate a 2982

meeting to develop or review the family's service coordination 2983
plan and allows the family to invite a family advocate, mentor, 2984
or support person of the family's choice to participate in any 2985
such meeting; 2986

(4) A procedure for ensuring that a family service 2987
coordination plan meeting is conducted for each child who 2988
receives service coordination under the mechanism and for whom 2989
an emergency out-of-home placement has been made or for whom a 2990
nonemergency out-of-home placement is being considered. The 2991
meeting shall be conducted within ten days of an emergency out- 2992
of-home placement. The meeting shall be conducted before a 2993
nonemergency out-of-home placement. The family service 2994
coordination plan shall outline how the county council members 2995
will jointly pay for services, where applicable, and provide 2996
services in the least restrictive environment. 2997

(5) A procedure for monitoring the progress and tracking 2998
the outcomes of each service coordination plan requested in the 2999
county including monitoring and tracking children in out-of-home 3000
placements to assure continued progress, appropriateness of 3001
placement, and continuity of care after discharge from placement 3002
with appropriate arrangements for housing, treatment, and 3003
education; 3004

(6) A procedure for protecting the confidentiality of all 3005
personal family information disclosed during service 3006
coordination meetings or contained in the comprehensive family 3007
service coordination plan; 3008

(7) A procedure for assessing the needs and strengths of 3009
any child or family that has been referred to the council for 3010
service coordination, including a child whose parent or 3011
custodian is voluntarily seeking services, and for ensuring that 3012

parents and custodians are afforded the opportunity to 3013
participate; 3014

(8) A procedure for development of a family service 3015
coordination plan described in division (D) of this section; 3016

(9) A local dispute resolution process to serve as the 3017
process that must be used first to resolve disputes among the 3018
agencies represented on the county council concerning the 3019
provision of services to children, including children who are 3020
abused, neglected, dependent, unruly, alleged unruly, or 3021
delinquent children and under the jurisdiction of the juvenile 3022
court and children whose parents or custodians are voluntarily 3023
seeking services. The local dispute resolution process shall 3024
comply with sections 121.38, 121.381, and 121.382 of the Revised 3025
Code. The local dispute resolution process shall be used to 3026
resolve disputes between a child's parents or custodians and the 3027
county council regarding service coordination. The county 3028
council shall inform the parents or custodians of their right to 3029
use the dispute resolution process. Parents or custodians shall 3030
use existing local agency grievance procedures to address 3031
disputes not involving service coordination. The dispute 3032
resolution process is in addition to and does not replace other 3033
rights or procedures that parents or custodians may have under 3034
other sections of the Revised Code. 3035

The cabinet council shall adopt rules in accordance with 3036
Chapter 119. of the Revised Code establishing an administrative 3037
review process to address problems that arise concerning the 3038
operation of a local dispute resolution process. 3039

Nothing in division (C) (4) of this section shall be 3040
interpreted as overriding or affecting decisions of a juvenile 3041
court regarding an out-of-home placement, long-term placement, 3042

or emergency out-of-home placement. 3043

(D) Each county shall develop a family service 3044
coordination plan that does all of the following: 3045

(1) Designates service responsibilities among the various 3046
state and local agencies that provide services to children and 3047
their families, including children who are abused, neglected, 3048
dependent, unruly, or delinquent children and under the 3049
jurisdiction of the juvenile court and children whose parents or 3050
custodians are voluntarily seeking services; 3051

(2) Designates an individual, approved by the family, to 3052
track the progress of the family service coordination plan, 3053
schedule reviews as necessary, and facilitate the family service 3054
coordination plan meeting process; 3055

(3) Ensures that assistance and services to be provided 3056
are responsive to the strengths and needs of the family, as well 3057
as the family's culture, race, and ethnic group, by allowing the 3058
family to offer information and suggestions and participate in 3059
decisions. Identified assistance and services shall be provided 3060
in the least restrictive environment possible. 3061

(4) Includes a process for dealing with a child who is 3062
alleged to be an unruly child. The process shall include methods 3063
to divert the child from the juvenile court system; 3064

(5) Includes timelines for completion of goals specified 3065
in the plan with regular reviews scheduled to monitor progress 3066
toward those goals; 3067

(6) Includes a plan for dealing with short-term crisis 3068
situations and safety concerns. 3069

(E) (1) The process provided for under division (D) (4) of 3070

this section may include, but is not limited to, the following:	3071
(a) Designation of the person or agency to conduct the	3072
assessment of the child and the child's family as described in	3073
division (C) (7) of this section and designation of the	3074
instrument or instruments to be used to conduct the assessment;	3075
(b) An emphasis on the personal responsibilities of the	3076
child and the parental responsibilities of the parents,	3077
guardian, or custodian of the child;	3078
(c) Involvement of local law enforcement agencies and	3079
officials.	3080
(2) The method to divert a child from the juvenile court	3081
system that must be included in the service coordination process	3082
may include, but is not limited to, the following:	3083
(a) The preparation of a complaint under section 2151.27	3084
of the Revised Code alleging that the child is an unruly child	3085
and notifying the child and the parents, guardian, or custodian	3086
that the complaint has been prepared to encourage the child and	3087
the parents, guardian, or custodian to comply with other methods	3088
to divert the child from the juvenile court system;	3089
(b) Conducting a meeting with the child, the parents,	3090
guardian, or custodian, and other interested parties to	3091
determine the appropriate methods to divert the child from the	3092
juvenile court system;	3093
(c) A method to provide to the child and the child's	3094
family a short-term respite from a short-term crisis situation	3095
involving a confrontation between the child and the parents,	3096
guardian, or custodian;	3097
(d) A program to provide a mentor to the child or the	3098

parents, guardian, or custodian; 3099

(e) A program to provide parenting education to the 3100
parents, guardian, or custodian; 3101

(f) An alternative school program for children who are 3102
truant from school, repeatedly disruptive in school, or 3103
suspended or expelled from school; 3104

(g) Other appropriate measures, including, but not limited 3105
to, any alternative methods to divert a child from the juvenile 3106
court system that are identified by the Ohio family and children 3107
first cabinet council. 3108

(F) Each county may review and revise the service 3109
coordination process described in division (D) of this section 3110
based on the availability of funds under Title IV-A of the 3111
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, 3112
as amended, or to the extent resources are available from any 3113
other federal, state, or local funds. 3114

Sec. 121.40. (A) There is hereby created the Ohio 3115
commission on service and volunteerism consisting of nineteen 3116
voting members including the ~~superintendent of public~~ 3117
~~instruction~~ director of education and workforce or the 3118
~~superintendent's~~ director's designee, the chancellor of higher 3119
education or the chancellor's designee, the director of youth 3120
services or the director's designee, the director of aging or 3121
the director's designee, and fifteen members who shall be 3122
appointed by the governor with the advice and consent of the 3123
senate and who shall serve terms of office of three years. The 3124
appointees shall include educators, including teachers and 3125
administrators; representatives of youth organizations; students 3126
and parents; representatives of organizations engaged in 3127

volunteer program development and management throughout the 3128
state, including youth and conservation programs; and 3129
representatives of business, government, nonprofit 3130
organizations, social service agencies, veterans organizations, 3131
religious organizations, or philanthropies that support or 3132
encourage volunteerism within the state. The director of the 3133
governor's office of faith-based and community initiatives shall 3134
serve as a nonvoting ex officio member of the commission. 3135
Members of the commission shall receive no compensation, but 3136
shall be reimbursed for actual and necessary expenses incurred 3137
in the performance of their official duties. 3138

(B) The commission shall appoint an executive director for 3139
the commission, who shall be in the unclassified civil service. 3140
The governor shall be informed of the appointment of an 3141
executive director before such an appointment is made. The 3142
executive director shall supervise the commission's activities 3143
and report to the commission on the progress of those 3144
activities. The executive director shall do all things necessary 3145
for the efficient and effective implementation of the duties of 3146
the commission. 3147

The responsibilities assigned to the executive director do 3148
not relieve the members of the commission from final 3149
responsibility for the proper performance of the requirements of 3150
this section. 3151

(C) The commission or its designee shall do all of the 3152
following: 3153

(1) Employ, promote, supervise, and remove all employees 3154
as needed in connection with the performance of its duties under 3155
this section and may assign duties to those employees as 3156
necessary to achieve the most efficient performance of its 3157

functions, and to that end may establish, change, or abolish 3158
positions, and assign and reassign duties and responsibilities 3159
of any employee of the commission. Personnel employed by the 3160
commission who are subject to Chapter 4117. of the Revised Code 3161
shall retain all of their rights and benefits conferred pursuant 3162
to that chapter. Nothing in this chapter shall be construed as 3163
eliminating or interfering with Chapter 4117. of the Revised 3164
Code or the rights and benefits conferred under that chapter to 3165
public employees or to any bargaining unit. 3166

(2) Maintain its office in Columbus, and may hold sessions 3167
at any place within the state; 3168

(3) Acquire facilities, equipment, and supplies necessary 3169
to house the commission, its employees, and files and records 3170
under its control, and to discharge any duty imposed upon it by 3171
law. The expense of these acquisitions shall be audited and paid 3172
for in the same manner as other state expenses. For that 3173
purpose, the commission shall prepare and submit to the office 3174
of budget and management a budget for each biennium according to 3175
sections 101.532 and 107.03 of the Revised Code. The budget 3176
submitted shall cover the costs of the commission and its staff 3177
in the discharge of any duty imposed upon the commission by law. 3178
The commission shall not delegate any authority to obligate 3179
funds. 3180

(4) Pay its own payroll and other operating expenses from 3181
line items designated by the general assembly; 3182

(5) Retain its fiduciary responsibility as appointing 3183
authority. Any transaction instructions shall be certified by 3184
the appointing authority or its designee. 3185

(6) Establish the overall policy and management of the 3186

commission in accordance with this chapter;	3187
(7) Assist in coordinating and preparing the state	3188
application for funds under sections 101 to 184 of the "National	3189
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42	3190
U.S.C.A. 12411 to 12544, as amended, assist in administering and	3191
overseeing the "National and Community Service Trust Act of	3192
1993," P.L. 103-82, 107 Stat. 785, and the americorps program in	3193
this state, and assist in developing objectives for a	3194
comprehensive strategy to encourage and expand community service	3195
programs throughout the state;	3196
(8) Assist the state board <u>department of education and</u>	3197
<u>workforce</u> , school districts, the chancellor of higher education,	3198
and institutions of higher education in coordinating community	3199
service education programs through cooperative efforts between	3200
institutions and organizations in the public and private	3201
sectors;	3202
(9) Assist the departments of natural resources, youth	3203
services, aging, and job and family services in coordinating	3204
community service programs through cooperative efforts between	3205
institutions and organizations in the public and private	3206
sectors;	3207
(10) Suggest individuals and organizations that are	3208
available to assist school districts, institutions of higher	3209
education, and the departments of natural resources, youth	3210
services, aging, and job and family services in the	3211
establishment of community service programs and assist in	3212
investigating sources of funding for implementing these	3213
programs;	3214
(11) Assist in evaluating the state's efforts in providing	3215

community service programs using standards and methods that are 3216
consistent with any statewide objectives for these programs and 3217
provide information to the ~~state board~~ department of education
and workforce, school districts, the chancellor of higher 3218
education, institutions of higher education, and the departments 3219
of natural resources, youth services, aging, and job and family 3220
services to guide them in making decisions about these programs; 3221
3222

(12) Assist the ~~state board~~ department of education and
workforce in complying with section 3301.70 of the Revised Code 3223
and the chancellor of higher education in complying with 3224
division (B) (2) of section 3333.043 of the Revised Code. 3225
3226

(D) The commission shall in writing enter into an 3227
agreement with another state agency to serve as the commission's 3228
fiscal agent. Before entering into such an agreement, the 3229
commission shall inform the governor of the terms of the 3230
agreement and of the state agency designated to serve as the 3231
commission's fiscal agent. The fiscal agent shall be responsible 3232
for all the commission's fiscal matters and financial 3233
transactions, as specified in the agreement. Services to be 3234
provided by the fiscal agent include, but are not limited to, 3235
the following: 3236

(1) Preparing and processing payroll and other personnel 3237
documents that the commission executes as the appointing 3238
authority; 3239

(2) Maintaining ledgers of accounts and reports of account 3240
balances, and monitoring budgets and allotment plans in 3241
consultation with the commission; and 3242

(3) Performing other routine support services that the 3243
fiscal agent considers appropriate to achieve efficiency. 3244

(E) (1) The commission, in conjunction and consultation 3245
with the fiscal agent, has the following authority and 3246
responsibility relative to fiscal matters: 3247

(a) Sole authority to draw funds for any and all federal 3248
programs in which the commission is authorized to participate; 3249

(b) Sole authority to expend funds from their accounts for 3250
programs and any other necessary expenses the commission may 3251
incur and its subgrantees may incur; and 3252

(c) Responsibility to cooperate with and inform the fiscal 3253
agent fully of all financial transactions. 3254

(2) The commission shall follow all state procurement, 3255
fiscal, human resources, statutory, and administrative rule 3256
requirements. 3257

(3) The fiscal agent shall determine fees to be charged to 3258
the commission, which shall be in proportion to the services 3259
performed for the commission. 3260

(4) The commission shall pay fees owed to the fiscal agent 3261
from a general revenue fund of the commission or from any other 3262
fund from which the operating expenses of the commission are 3263
paid. Any amounts set aside for a fiscal year for the payment of 3264
these fees shall be used only for the services performed for the 3265
commission by the fiscal agent in that fiscal year. 3266

(F) The commission may accept and administer grants from 3267
any source, public or private, to carry out any of the 3268
commission's functions this section establishes. 3269

Sec. 121.95. (A) As used in sections 121.95, 121.951, 3270
121.952, 121.953, and 121.954 of the Revised Code, "state 3271
agency" means an administrative department created under section 3272

121.02 of the Revised Code, an administrative department head 3273
appointed under section 121.03 of the Revised Code, and a state 3274
agency organized under an administrative department or 3275
administrative department head. "State agency" also includes the 3276
department of education and workforce, the state lottery 3277
commission, the Ohio casino control commission, the state racing 3278
commission, and the public utilities commission of Ohio. Rules 3279
adopted by an otherwise independent official or entity organized 3280
under a state agency shall be attributed to the agency under 3281
which the official or entity is organized for the purposes of 3282
sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the 3283
Revised Code. 3284

(B) Not later than December 31, 2019, a state agency shall 3285
review its existing rules to identify rules having one or more 3286
regulatory restrictions that require or prohibit an action and 3287
prepare a base inventory of the regulatory restrictions in its 3288
existing rules. Rules that include the words "shall," "must," 3289
"require," "shall not," "may not," and "prohibit" shall be 3290
considered to contain regulatory restrictions. 3291

(C) In the base inventory, the state agency shall indicate 3292
all of the following concerning each regulatory restriction: 3293

(1) A description of the regulatory restriction; 3294

(2) The rule number of the rule in which the regulatory 3295
restriction appears; 3296

(3) The statute under which the regulatory restriction was 3297
adopted; 3298

(4) Whether state or federal law expressly and 3299
specifically requires the agency to adopt the regulatory 3300
restriction or the agency adopted the regulatory restriction 3301

under the agency's general authority; 3302

(5) Whether removing the regulatory restriction would 3303
require a change to state or federal law, provided that removing 3304
a regulatory restriction adopted under a law granting the agency 3305
general authority shall be presumed not to require a change to 3306
state or federal law; 3307

(6) Any other information the joint committee on agency 3308
rule review considers necessary. 3309

(D) The state agency shall compute and state the total 3310
number of regulatory restrictions indicated in the base 3311
inventory, shall post the base inventory on its web site, and 3312
shall electronically transmit a copy of the inventory to the 3313
joint committee. The joint committee shall review the base 3314
inventory, then transmit it electronically to the speaker of the 3315
house of representatives and the president of the senate. 3316

(E) The following types of rules or regulatory 3317
restrictions are not required to be included in a state agency's 3318
inventory of regulatory restrictions: 3319

(1) An internal management rule; 3320

(2) An emergency rule; 3321

(3) A rule that state or federal law requires the state 3322
agency to adopt verbatim; 3323

(4) A regulatory restriction contained in materials or 3324
documents incorporated by reference into a rule pursuant to 3325
sections 121.71 to 121.75 of the Revised Code; 3326

(5) A rule adopted pursuant to section 1347.15 of the 3327
Revised Code; 3328

(6) A rule concerning instant lottery games; 3329

(7) A rule adopted by the Ohio casino control commission 3330
or the state lottery commission concerning sports gaming; 3331

(8) Any other rule that is not subject to review under 3332
Chapter 106. of the Revised Code. 3333

(F) Beginning on October 17, 2019, and ending on June 30, 3334
2025, a state agency may not adopt a new regulatory restriction 3335
unless it simultaneously removes two or more other existing 3336
regulatory restrictions. The state agency may not satisfy this 3337
section by merging two or more existing regulatory restrictions 3338
into a single surviving regulatory restriction. 3339

Sec. 124.15. (A) Board and commission members appointed 3340
prior to July 1, 1991, shall be paid a salary or wage in 3341
accordance with the following schedules of rates: 3342

Schedule B 3343

Pay Ranges and Step Values 3344

3345

	1	2	3	4	5	6
A	Range		Step 1	Step 2	Step 3	Step 4
B	23	Hourly	5.72	5.91	6.10	6.31
C		Annually	11897.60	12292.80	12688.00	13124.80
D			Step 5	Step 6		
E		Hourly	6.52	6.75		

F		Annually	13561.60	14040.00		
G			Step 1	Step 2	Step 3	Step 4
H	24	Hourly	6.00	6.20	6.41	6.63
I		Annually	12480.00	12896.00	13332.80	13790.40
J			Step 5	Step 6		
K		Hourly	6.87	7.10		
L		Annually	14289.60	14768.00		
M			Step 1	Step 2	Step 3	Step 4
N	25	Hourly	6.31	6.52	6.75	6.99
O		Annually	13124.80	13561.60	14040.00	14539.20
P			Step 5	Step 6		
Q		Hourly	7.23	7.41		
R		Annually	15038.40	15412.80		
S			Step 1	Step 2	Step 3	Step 4
T	26	Hourly	6.63	6.87	7.10	7.32
U		Annually	13790.40	14289.60	14768.00	15225.60
V			Step 5	Step 6		
W		Hourly	7.53	7.77		

X		Annually	15662.40	16161.60		
Y			Step 1	Step 2	Step 3	Step 4
Z	27	Hourly	6.99	7.23	7.41	7.64
AA		Annually	14534.20	15038.40	15412.80	15891.20
AB			Step 5	Step 6	Step 7	
AC		Hourly	7.88	8.15	8.46	
AD		Annually	16390.40	16952.00	17596.80	
AE			Step 1	Step 2	Step 3	Step 4
AF	28	Hourly	7.41	7.64	7.88	8.15
AG		Annually	15412.80	15891.20	16390.40	16952.00
AH			Step 5	Step 6	Step 7	
AI		Hourly	8.46	8.79	9.15	
AJ		Annually	17596.80	18283.20	19032.00	
AK			Step 1	Step 2	Step 3	Step 4
AL	29	Hourly	7.88	8.15	8.46	8.79
AM		Annually	16390.40	16952.00	17596.80	18283.20
AN			Step 5	Step 6	Step 7	
AO		Hourly	9.15	9.58	10.01	

AP		Annually	19032.00	19926.40	20820.80	
AQ			Step 1	Step 2	Step 3	Step 4
AR	30	Hourly	8.46	8.79	9.15	9.58
AS		Annually	17596.80	18283.20	19032.00	19926.40
AT			Step 5	Step 6	Step 7	
AU		Hourly	10.01	10.46	10.99	
AV		Annually	20820.80	21756.80	22859.20	
AW			Step 1	Step 2	Step 3	Step 4
AX	31	Hourly	9.15	9.58	10.01	10.46
AY		Annually	19032.00	19962.40	20820.80	21756.80
AZ			Step 5	Step 6	Step 7	
BA		Hourly	10.99	11.52	12.09	
BB		Annually	22859.20	23961.60	25147.20	
BC			Step 1	Step 2	Step 3	Step 4
BD	32	Hourly	10.01	10.46	10.99	11.52
BE		Annually	20820.80	21756.80	22859.20	23961.60
BF			Step 5	Step 6	Step 7	Step 8
BG		Hourly	12.09	12.68	13.29	13.94

BH		Annually	25147.20	26374.40	27643.20	28995.20
BI			Step 1	Step 2	Step 3	Step 4
BJ	33	Hourly	10.99	11.52	12.09	12.68
BK		Annually	22859.20	23961.60	25147.20	26374.40
BL			Step 5	Step 6	Step 7	Step 8
BM		Hourly	13.29	13.94	14.63	15.35
BN		Annually	27643.20	28995.20	30430.40	31928.00
BO			Step 1	Step 2	Step 3	Step 4
BP	34	Hourly	12.09	12.68	13.29	13.94
BQ		Annually	25147.20	26374.40	27643.20	28995.20
BR			Step 5	Step 6	Step 7	Step 8
BS		Hourly	14.63	15.35	16.11	16.91
BT		Annually	30430.40	31928.00	33508.80	35172.80
BU			Step 1	Step 2	Step 3	Step 4
BV	35	Hourly	13.29	13.94	14.63	15.35
BW		Annually	27643.20	28995.20	30430.40	31928.00
BX			Step 5	Step 6	Step 7	Step 8
BY		Hourly	16.11	16.91	17.73	18.62

BZ		Annually	33508.80	35172.80	36878.40	38729.60
CA			Step 1	Step 2	Step 3	Step 4
CB	36	Hourly	14.63	15.35	16.11	16.91
CC		Annually	30430.40	31928.00	33508.80	35172.80
CD			Step 5	Step 6	Step 7	Step 8
CE		Hourly	17.73	18.62	19.54	20.51
CF		Annually	36878.40	38729.60	40643.20	42660.80

Schedule C 3346

Pay Range and Values 3347

3348

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	10.44	15.72
C		Annually	21715.20	32697.60
D	42	Hourly	11.51	17.35
E		Annually	23940.80	36088.00
F	43	Hourly	12.68	19.12
G		Annually	26374.40	39769.60

H	44	Hourly	13.99	20.87
I		Annually	29099.20	43409.60
J	45	Hourly	15.44	22.80
K		Annually	32115.20	47424.00
L	46	Hourly	17.01	24.90
M		Annually	35380.80	51792.00
N	47	Hourly	18.75	27.18
O		Annually	39000.00	56534.40
P	48	Hourly	20.67	29.69
Q		Annually	42993.60	61755.20
R	49	Hourly	22.80	32.06
S		Annually	47424.00	66684.80

(B) The pay schedule of all employees shall be on a 3349
biweekly basis, with amounts computed on an hourly basis. 3350

(C) Part-time employees shall be compensated on an hourly 3351
basis for time worked, at the rates shown in division (A) of 3352
this section or in section 124.152 of the Revised Code. 3353

(D) The salary and wage rates in division (A) of this 3354
section or in section 124.152 of the Revised Code represent base 3355
rates of compensation and may be augmented by the provisions of 3356
section 124.181 of the Revised Code. In those cases where 3357
lodging, meals, laundry, or other personal services are 3358

furnished an employee in the service of the state, the actual 3359
costs or fair market value of the personal services shall be 3360
paid by the employee in such amounts and manner as determined by 3361
the director of administrative services and approved by the 3362
director of budget and management, and those personal services 3363
shall not be considered as a part of the employee's 3364
compensation. An appointing authority that appoints employees in 3365
the service of the state, with the approval of the director of 3366
administrative services and the director of budget and 3367
management, may establish payments to employees for uniforms, 3368
tools, equipment, and other requirements of the department and 3369
payments for the maintenance of them. 3370

The director of administrative services may review 3371
collective bargaining agreements entered into under Chapter 3372
4117. of the Revised Code that cover employees in the service of 3373
the state and determine whether certain benefits or payments 3374
provided to the employees covered by those agreements should 3375
also be provided to employees in the service of the state who 3376
are exempt from collective bargaining coverage and are paid in 3377
accordance with section 124.152 of the Revised Code or are 3378
listed in division (B)(2) or (4) of section 124.14 of the 3379
Revised Code. On completing the review, the director of 3380
administrative services, with the approval of the director of 3381
budget and management, may provide to some or all of these 3382
employees any payment or benefit, except for salary, contained 3383
in such a collective bargaining agreement even if it is similar 3384
to a payment or benefit already provided by law to some or all 3385
of these employees. Any payment or benefit so provided shall not 3386
exceed the highest level for that payment or benefit specified 3387
in such a collective bargaining agreement. The director of 3388
administrative services shall not provide, and the director of 3389

budget and management shall not approve, any payment or benefit 3390
to such an employee under this division unless the payment or 3391
benefit is provided pursuant to a collective bargaining 3392
agreement to a state employee who is in a position with similar 3393
duties as, is supervised by, or is employed by the same 3394
appointing authority as, the employee to whom the benefit or 3395
payment is to be provided. 3396

As used in this division, "payment or benefit already 3397
provided by law" includes, but is not limited to, bereavement, 3398
personal, vacation, administrative, and sick leave, disability 3399
benefits, holiday pay, and pay supplements provided under the 3400
Revised Code, but does not include wages or salary. 3401

(E) New employees paid in accordance with schedule B of 3402
division (A) of this section or schedule E-1 of section 124.152 3403
of the Revised Code shall be employed at the minimum rate 3404
established for the range unless otherwise provided. Employees 3405
with qualifications that are beyond the minimum normally 3406
required for the position and that are determined by the 3407
director to be exceptional may be employed in, or may be 3408
transferred or promoted to, a position at an advanced step of 3409
the range. Further, in time of a serious labor market condition 3410
when it is relatively impossible to recruit employees at the 3411
minimum rate for a particular classification, the entrance rate 3412
may be set at an advanced step in the range by the director of 3413
administrative services. This rate may be limited to 3414
geographical regions of the state. Appointments made to an 3415
advanced step under the provision regarding exceptional 3416
qualifications shall not affect the step assignment of employees 3417
already serving. However, anytime the hiring rate of an entire 3418
classification is advanced to a higher step, all incumbents of 3419
that classification being paid at a step lower than that being 3420

used for hiring, shall be advanced beginning at the start of the 3421
first pay period thereafter to the new hiring rate, and any time 3422
accrued at the lower step will be used to calculate advancement 3423
to a succeeding step. If the hiring rate of a classification is 3424
increased for only a geographical region of the state, only 3425
incumbents who work in that geographical region shall be 3426
advanced to a higher step. When an employee in the unclassified 3427
service changes from one state position to another or is 3428
appointed to a position in the classified service, or if an 3429
employee in the classified service is appointed to a position in 3430
the unclassified service, the employee's salary or wage in the 3431
new position shall be determined in the same manner as if the 3432
employee were an employee in the classified service. When an 3433
employee in the unclassified service who is not eligible for 3434
step increases is appointed to a classification in the 3435
classified service under which step increases are provided, 3436
future step increases shall be based on the date on which the 3437
employee last received a pay increase. If the employee has not 3438
received an increase during the previous year, the date of the 3439
appointment to the classified service shall be used to determine 3440
the employee's annual step advancement eligibility date. In 3441
reassigning any employee to a classification resulting in a pay 3442
range increase or to a new pay range as a result of a promotion, 3443
an increase pay range adjustment, or other classification change 3444
resulting in a pay range increase, the director shall assign 3445
such employee to the step in the new pay range that will provide 3446
an increase of approximately four per cent if the new pay range 3447
can accommodate the increase. When an employee is being assigned 3448
to a classification or new pay range as the result of a class 3449
plan change, if the employee has completed a probationary 3450
period, the employee shall be placed in a step no lower than 3451
step two of the new pay range. If the employee has not completed 3452

a probationary period, the employee may be placed in step one of 3453
the new pay range. Such new salary or wage shall become 3454
effective on such date as the director determines. 3455

(F) If employment conditions and the urgency of the work 3456
require such action, the director of administrative services 3457
may, upon the application of a department head, authorize 3458
payment at any rate established within the range for the class 3459
of work, for work of a casual or intermittent nature or on a 3460
project basis. Payment at such rates shall not be made to the 3461
same individual for more than three calendar months in any one 3462
calendar year. Any such action shall be subject to the approval 3463
of the director of budget and management as to the availability 3464
of funds. This section and sections 124.14 and 124.152 of the 3465
Revised Code do not repeal any authority of any department or 3466
public official to contract with or fix the compensation of 3467
professional persons who may be employed temporarily for work of 3468
a casual nature or for work on a project basis. 3469

(G) (1) Except as provided in divisions (G) (2) and (3) of 3470
this section, each state employee paid in accordance with 3471
schedule B of this section or schedule E-1 of section 124.152 of 3472
the Revised Code shall be eligible for advancement to succeeding 3473
steps in the range for the employee's class or grade according 3474
to the schedule established in this division. Beginning on the 3475
first day of the pay period within which the employee completes 3476
the prescribed probationary period in the employee's 3477
classification with the state, each employee shall receive an 3478
automatic salary adjustment equivalent to the next higher step 3479
within the pay range for the employee's class or grade. 3480

Except as provided in divisions (G) (2) and (3) of this 3481
section, each employee paid in accordance with schedule E-1 of 3482

section 124.152 of the Revised Code shall be eligible to advance 3483
to the next higher step until the employee reaches the top step 3484
in the range for the employee's class or grade, if the employee 3485
has maintained satisfactory performance in accordance with 3486
criteria established by the employee's appointing authority. 3487
Those step advancements shall not occur more frequently than 3488
once in any twelve-month period. 3489

When an employee is promoted, the step entry date shall be 3490
set to account for a probationary period. When an employee is 3491
reassigned to a higher pay range, the step entry date shall be 3492
set to allow an employee who is not at the highest step of the 3493
range to receive a step advancement one year from the 3494
reassignment date. Step advancement shall not be affected by 3495
demotion. A promoted employee shall advance to the next higher 3496
step of the pay range on the first day of the pay period in 3497
which the required probationary period is completed. Step 3498
advancement shall become effective at the beginning of the pay 3499
period within which the employee attains the necessary length of 3500
service. Time spent on authorized leave of absence shall be 3501
counted for this purpose. 3502

If determined to be in the best interest of the state 3503
service, the director of administrative services may, either 3504
statewide or in selected agencies, adjust the dates on which 3505
annual step advancements are received by employees paid in 3506
accordance with schedule E-1 of section 124.152 of the Revised 3507
Code. 3508

(2) (a) There shall be a moratorium on annual step 3509
advancements under division (G) (1) of this section beginning 3510
June 21, 2009, through June 20, 2011. Step advancements shall 3511
resume with the pay period beginning June 21, 2011. Upon the 3512

resumption of step advancements, there shall be no retroactive 3513
step advancements for the period the moratorium was in effect. 3514
The moratorium shall not affect an employee's performance 3515
evaluation schedule. 3516

An employee who begins a probationary period before June 3517
21, 2009, shall advance to the next step in the employee's pay 3518
range at the end of probation, and then become subject to the 3519
moratorium. An employee who is hired, promoted, or reassigned to 3520
a higher pay range between June 21, 2009, through June 20, 2011, 3521
shall not advance to the next step in the employee's pay range 3522
until the next anniversary of the employee's date of hire, 3523
promotion, or reassignment that occurs on or after June 21, 3524
2011. 3525

(b) The moratorium under division (G) (2) (a) of this 3526
section shall apply to the employees of the secretary of state, 3527
the auditor of state, the treasurer of state, and the attorney 3528
general, who are subject to this section unless the secretary of 3529
state, the auditor of state, the treasurer of state, or the 3530
attorney general decides to exempt the office's employees from 3531
the moratorium and so notifies the director of administrative 3532
services in writing on or before July 1, 2009. 3533

(3) Employees in intermittent positions shall be employed 3534
at the minimum rate established for the pay range for their 3535
classification and are not eligible for step advancements. 3536

(H) Employees in appointive managerial or professional 3537
positions paid in accordance with schedule C of this section or 3538
schedule E-2 of section 124.152 of the Revised Code may be 3539
appointed at any rate within the appropriate pay range. This 3540
rate of pay may be adjusted higher or lower within the 3541
respective pay range at any time the appointing authority so 3542

desires as long as the adjustment is based on the employee's 3543
ability to successfully administer those duties assigned to the 3544
employee. Salary adjustments shall not be made more frequently 3545
than once in any six-month period under this provision to 3546
incumbents holding the same position and classification. 3547

(I) When an employee is assigned to duty outside this 3548
state, the employee may be compensated, upon request of the 3549
department head and with the approval of the director of 3550
administrative services, at a rate not to exceed fifty per cent 3551
in excess of the employee's current base rate for the period of 3552
time spent on that duty. 3553

(J) Unless compensation for members of a board or 3554
commission is otherwise specifically provided by law, the 3555
director of administrative services shall establish the rate and 3556
method of payment for members of boards and commissions pursuant 3557
to the pay schedules listed in section 124.152 of the Revised 3558
Code. 3559

(K) Regular full-time employees in positions assigned to 3560
classes within the instruction and education administration 3561
series under the job classification plans of the director of 3562
administrative services, except certificated employees on the 3563
instructional staff of the state school for the blind or the 3564
state school for the deaf, whose positions are scheduled to work 3565
on the basis of an academic year rather than a full calendar 3566
year, shall be paid according to the pay range assigned by the 3567
applicable job classification plan, but only during those pay 3568
periods included in the academic year of the school where the 3569
employee is located. 3570

(l) Part-time or substitute teachers or those whose period 3571
of employment is other than the full academic year shall be 3572

compensated for the actual time worked at the rate established 3573
by this section. 3574

(2) Employees governed by this division are exempt from 3575
sections 124.13 and 124.19 of the Revised Code. 3576

(3) Length of service for the purpose of determining 3577
eligibility for step advancements as provided by division (G) of 3578
this section and for the purpose of determining eligibility for 3579
longevity pay supplements as provided by division (E) of section 3580
124.181 of the Revised Code shall be computed on the basis of 3581
one full year of service for the completion of each academic 3582
year. 3583

(L) The superintendent of the state school for the deaf 3584
and the superintendent of the state school for the blind shall, 3585
subject to the approval of the ~~superintendent of public~~ 3586
~~instruction~~director of education and workforce, carry out both 3587
of the following: 3588

(1) Annually, between the first day of April and the last 3589
day of June, establish for the ensuing fiscal year a schedule of 3590
hourly rates for the compensation of each certificated employee 3591
on the instructional staff of that superintendent's respective 3592
school constructed as follows: 3593

(a) Determine for each level of training, experience, and 3594
other professional qualification for which an hourly rate is set 3595
forth in the current schedule, the per cent that rate is of the 3596
rate set forth in such schedule for a teacher with a bachelor's 3597
degree and no experience. If there is more than one such rate 3598
for such a teacher, the lowest rate shall be used to make the 3599
computation. 3600

(b) Determine which six city, local, and exempted village 3601

school districts with territory in Franklin county have in 3602
effect on, or have adopted by, the first day of April for the 3603
school year that begins on the ensuing first day of July, 3604
teacher salary schedules with the highest minimum salaries for a 3605
teacher with a bachelor's degree and no experience; 3606

(c) Divide the sum of such six highest minimum salaries by 3607
ten thousand five hundred sixty; 3608

(d) Multiply each per cent determined in division (L) (1) 3609
(a) of this section by the quotient obtained in division (L) (1) 3610
(c) of this section; 3611

(e) One hundred five per cent of each product thus 3612
obtained shall be the hourly rate for the corresponding level of 3613
training, experience, or other professional qualification in the 3614
schedule for the ensuing fiscal year. 3615

(2) Annually, assign each certificated employee on the 3616
instructional staff of the superintendent's respective school to 3617
an hourly rate on the schedule that is commensurate with the 3618
employee's training, experience, and other professional 3619
qualifications. 3620

If an employee is employed on the basis of an academic 3621
year, the employee's annual salary shall be calculated by 3622
multiplying the employee's assigned hourly rate times one 3623
thousand seven hundred sixty. If an employee is not employed on 3624
the basis of an academic year, the employee's annual salary 3625
shall be calculated in accordance with the following formula: 3626

(a) Multiply the number of days the employee is required 3627
to work pursuant to the employee's contract by eight; 3628

(b) Multiply the product of division (L) (2) (a) of this 3629
section by the employee's assigned hourly rate. 3630

Each employee shall be paid an annual salary in biweekly 3631
installments. The amount of each installment shall be calculated 3632
by dividing the employee's annual salary by the number of 3633
biweekly installments to be paid during the year. 3634

Sections 124.13 and 124.19 of the Revised Code do not 3635
apply to an employee who is paid under this division. 3636

As used in this division, "academic year" means the number 3637
of days in each school year that the schools are required to be 3638
open for instruction with pupils in attendance. Upon completing 3639
an academic year, an employee paid under this division shall be 3640
deemed to have completed one year of service. An employee paid 3641
under this division is eligible to receive a pay supplement 3642
under division (L) (1), (2), or (3) of section 124.181 of the 3643
Revised Code for which the employee qualifies, but is not 3644
eligible to receive a pay supplement under division (L) (4) or 3645
(5) of that section. An employee paid under this division is 3646
eligible to receive a pay supplement under division (L) (6) of 3647
section 124.181 of the Revised Code for which the employee 3648
qualifies, except that the supplement is not limited to a 3649
maximum of five per cent of the employee's regular base salary 3650
in a calendar year. 3651

(M) Division (A) of this section does not apply to "exempt 3652
employees," as defined in section 124.152 of the Revised Code, 3653
who are paid under that section. 3654

Notwithstanding any other provisions of this chapter, when 3655
an employee transfers between bargaining units or transfers out 3656
of or into a bargaining unit, the director of administrative 3657
services shall establish the employee's compensation and adjust 3658
the maximum leave accrual schedule as the director deems 3659
equitable. 3660

Sec. 124.382. (A) As used in this section and sections 3661
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 3662

(1) "Pay period" means the fourteen-day period of time 3663
during which the payroll is accumulated, as determined by the 3664
director of administrative services. 3665

(2) "Active pay status" means the conditions under which 3666
an employee is eligible to receive pay, and includes, but is not 3667
limited to, vacation leave, sick leave, personal leave, 3668
bereavement leave, and administrative leave. 3669

(3) "No pay status" means the conditions under which an 3670
employee is ineligible to receive pay and includes, but is not 3671
limited to, leave without pay, leave of absence, and disability 3672
leave. 3673

(4) "Disability leave" means the leave granted pursuant to 3674
section 124.385 of the Revised Code. 3675

(5) "Full-time permanent employee" means an employee whose 3676
regular hours of duty total eighty hours in a pay period in a 3677
state agency and whose appointment is not for a limited period 3678
of time. 3679

(6) "Base rate of pay" means the rate of pay established 3680
under schedule B or C of section 124.15 of the Revised Code or 3681
under schedule E-1 or schedule E-2 of section 124.152 of the 3682
Revised Code, plus any supplement provided under section 124.181 3683
of the Revised Code, plus any supplements enacted into law which 3684
are added to schedule B or C of section 124.15 of the Revised 3685
Code or to schedule E-1 or schedule E-2 of section 124.152 of 3686
the Revised Code. 3687

(7) "Part-time permanent employee" means an employee whose 3688
regular hours of duty total less than eighty hours in a pay 3689

period in a state agency and whose appointment is not for a 3690
limited period of time. 3691

(B) Each full-time permanent and part-time permanent 3692
employee whose salary or wage is paid directly by warrant of the 3693
director of budget and management shall be credited with sick 3694
leave of three and one-tenth hours for each completed eighty 3695
hours of service, excluding overtime hours worked. Sick leave is 3696
not available for use until it appears on the employee's earning 3697
statement and the compensation described in the earning 3698
statement is available to the employee. 3699

(C) Any sick leave credit provided pursuant to division 3700
(B) of this section, remaining as of the last day of the pay 3701
period preceding the first paycheck the employee receives in 3702
December, shall be converted pursuant to section 124.383 of the 3703
Revised Code. 3704

(D) Employees may use sick leave, provided a credit 3705
balance is available, upon approval of the responsible 3706
administrative officer of the employing unit, for absence due to 3707
personal illness, pregnancy, injury, exposure to contagious 3708
disease that could be communicated to other employees, and 3709
illness, injury, or death in the employee's immediate family. 3710
When sick leave is used, it shall be deducted from the 3711
employee's credit on the basis of absence from previously 3712
scheduled work in such increments of an hour and at such a 3713
compensation rate as the director of administrative services 3714
determines. The appointing authority of each employing unit may 3715
require an employee to furnish a satisfactory, signed statement 3716
to justify the use of sick leave. 3717

If, after having utilized the credit provided by this 3718
section, an employee utilizes sick leave that was accumulated 3719

prior to November 15, 1981, compensation for such sick leave 3720
used shall be at a rate as the director determines. 3721

(E) (1) The previously accumulated sick leave balance of an 3722
employee who has been separated from the public service, for 3723
which separation payments pursuant to section 124.384 of the 3724
Revised Code have not been made, shall be placed to the 3725
employee's credit upon the employee's reemployment in the public 3726
service, if the reemployment takes place within ten years of the 3727
date on which the employee was last terminated from public 3728
service. 3729

(2) The previously accumulated sick leave balance of an 3730
employee who has separated from a school district shall be 3731
placed to the employee's credit upon the employee's appointment 3732
as an unclassified employee of the state department of education 3733
and workforce, if all of the following apply: 3734

(a) The employee accumulated the sick leave balance while 3735
employed by the school district. 3736

(b) The employee did not receive any separation payments 3737
for the sick leave balance. 3738

(c) The employee's employment with the department takes 3739
place within ten years after the date on which the employee 3740
separated from the school district. 3741

(F) An employee who transfers from one public agency to 3742
another shall be credited with the unused balance of the 3743
employee's accumulated sick leave. 3744

(G) The director of administrative services shall 3745
establish procedures to uniformly administer this section. No 3746
sick leave may be granted to a state employee upon or after the 3747
employee's retirement or termination of employment. 3748

(H) As used in this division, "active payroll" means 3749
conditions under which an employee is in active pay status or 3750
eligible to receive pay for an approved leave of absence, 3751
including, but not limited to, occupational injury leave, 3752
disability leave, or workers' compensation. 3753

(1) Employees who are in active payroll status on June 18, 3754
2011, shall receive a one-time credit of additional sick leave 3755
in the pay period that begins on July 1, 2011. Full-time 3756
employees shall receive the lesser of either a one-time credit 3757
of thirty-two hours of additional sick leave or a one-time 3758
credit of additional sick leave equivalent to half the hours of 3759
personal leave the employee lost during the moratorium 3760
established under either division (A) of section 124.386 of the 3761
Revised Code or pursuant to a rule of the director of 3762
administrative services. Part-time employees shall receive a 3763
one-time credit of sixteen hours of additional sick leave. 3764

(2) Employees who are not in active payroll status due to 3765
military leave or an absence taken in accordance with the 3766
federal "Family and Medical Leave Act" are eligible to receive 3767
the one-time additional sick leave credit. 3768

(3) The one-time additional sick leave credit does not 3769
apply to employees of the supreme court, general assembly, 3770
legislative service commission, secretary of state, auditor of 3771
state, treasurer of state, or attorney general unless the 3772
supreme court, general assembly, legislative service commission, 3773
secretary of state, auditor of state, treasurer of state, or 3774
attorney general participated in the moratorium under division 3775
(H) or (I) of section 124.386 of the Revised Code and notifies 3776
in writing the director of administrative services on or before 3777
June 1, 2011, of the decision to participate in the one-time 3778

additional sick leave credit. Written notice under this division 3779
shall be signed by the appointing authority for employees of the 3780
supreme court, general assembly, or legislative service 3781
commission, as the case may be. 3782

Sec. 124.384. (A) Except as otherwise provided in this 3783
section, employees whose salaries or wages are paid by warrant 3784
of the director of budget and management and who have 3785
accumulated sick leave under section 124.38 or 124.382 of the 3786
Revised Code shall be paid for a percentage of their accumulated 3787
balances, upon separation for any reason, including death but 3788
excluding retirement, at their last base rate of pay at the rate 3789
of one hour of pay for every two hours of accumulated balances. 3790
An employee who retires in accordance with any retirement plan 3791
offered by the state shall be paid upon retirement for each hour 3792
of the employee's accumulated sick leave balance at a rate of 3793
fifty-five per cent of the employee's last base rate of pay. 3794

An employee serving in a temporary work level who elects 3795
to convert unused sick leave to cash shall do so at the base 3796
rate of pay of the employee's normal classification. If an 3797
employee dies, the employee's unused sick leave shall be paid in 3798
accordance with section 2113.04 of the Revised Code or to the 3799
employee's estate. 3800

In order to be eligible for the payment authorized by this 3801
section, an employee shall have at least one year of state 3802
service and shall request all or a portion of that payment no 3803
later than three years after separation from state service. No 3804
person is eligible to receive all or a portion of the payment 3805
authorized by this section at any time later than three years 3806
after the person's separation from state service. 3807

(B) A person initially employed on or after July 5, 1987, 3808

by a state agency in which the employees' salaries or wages are 3809
paid directly by warrant of the director of budget and 3810
management shall receive payment under this section only for 3811
sick leave accumulated while employed by state agencies in which 3812
the employees' salaries or wages are paid directly by warrant of 3813
the director of budget and management. Additionally, a person 3814
initially employed on or after July 5, 1987, but before October 3815
1, 2017, by the state department of education and workforce as 3816
an unclassified employee shall receive payment under this 3817
section for sick leave placed to the employee's credit under 3818
division (E) (2) of section 124.382 of the Revised Code. 3819

(C) For employees paid in accordance with section 124.152 3820
of the Revised Code and those employees listed in divisions (B) 3821
(2) and (4) of section 124.14 of the Revised Code, the director 3822
of administrative services, with the approval of the director of 3823
budget and management, may establish a plan for early payment of 3824
accrued sick leave and vacation leave. 3825

Sec. 125.05. Except as provided in division (D) or (E) of 3826
this section, no state agency shall purchase any supplies or 3827
services except as provided in divisions (A) to (C) of this 3828
section. 3829

(A) A state agency may, without competitive selection, 3830
make any purchase of supplies or services that cost less than 3831
fifty thousand dollars after complying with divisions (A) to (E) 3832
of section 125.035 of the Revised Code. The agency may make the 3833
purchase directly or may make the purchase from or through the 3834
department of administrative services, whichever the agency 3835
determines. The agency shall adopt written procedures consistent 3836
with the department's purchasing procedures and shall use those 3837
procedures when making purchases under this division. 3838

Section 127.16 of the Revised Code does not apply to 3839
purchases made under this division. 3840

(B) A state agency shall make purchases of supplies and 3841
services that cost fifty thousand dollars or more through the 3842
department of administrative services and the process provided 3843
in section 125.035 of the Revised Code, unless the department 3844
grants a waiver under division (D) or (E) of that section and a 3845
release and permit under division (G) of that section. 3846

(C) An agency that has been granted a release and permit 3847
under division (G) of section 125.035 of the Revised Code to 3848
make a purchase may make the purchase without competitive 3849
selection if after making the purchase the cumulative purchase 3850
threshold as computed under division (E) of section 127.16 of 3851
the Revised Code would: 3852

(1) Be exceeded and the controlling board approves the 3853
purchase; 3854

(2) Not be exceeded and the department of administrative 3855
services approves the purchase. 3856

(D) If the department of education and workforce or the 3857
Ohio education computer network determines that it can purchase 3858
software services or supplies for specified school districts at 3859
a price less than the price for which the districts could 3860
purchase the same software services or supplies for themselves, 3861
the department or network shall certify that fact to the 3862
department of administrative services and, acting as an agent 3863
for the specified school districts, shall make that purchase 3864
without following the provisions in divisions (A) to (D) of this 3865
section. 3866

(E) When the purchase cost of personal protective 3867

equipment is less than fifty thousand dollars, a state agency 3868
shall comply with divisions (A) to (E) of section 125.035 of the 3869
Revised Code. If the purchase is not subject to the requirements 3870
of an applicable first or second requisite procurement program, 3871
the agency shall apply the same preferences in section 125.09 of 3872
the Revised Code when making the purchase. As used in this 3873
division, "personal protective equipment" means equipment worn 3874
to minimize exposure to hazards that cause workplace injuries 3875
and illnesses. 3876

Sec. 125.13. (A) As used in this section: 3877

(1) "Emergency medical service organization" has the same 3878
meaning as in section 4765.01 of the Revised Code. 3879

(2) "Private fire company" has the same meaning as in 3880
section 9.60 of the Revised Code. 3881

(B) Whenever a state agency has excess or surplus 3882
supplies, it shall notify the director of administrative 3883
services. On forms provided by the director, the state agency 3884
shall furnish to the director a list of its excess and surplus 3885
supplies, including the location of the supplies and whether the 3886
supplies are currently in the agency's control. 3887

(C) Upon receipt of notification and at no cost to the 3888
state agency, the director of administrative services shall make 3889
arrangements for their disposition and shall take immediate 3890
control of a state agency's excess and surplus supplies, except 3891
for the following excess and surplus supplies: 3892

(1) Excess or surplus supplies that have a value below the 3893
minimum value that the director establishes for excess and 3894
surplus supplies under division (F) of this section; 3895

(2) Excess or surplus supplies that the director has 3896

authorized an agency to donate to a governmental agency, 3897
including, but not limited to, public schools and surplus 3898
computers and computer equipment transferred to a public school 3899
under division (G) of this section; 3900

(3) Excess or surplus supplies that an agency trades in as 3901
full or partial payment when purchasing a replacement item; 3902

(4) Hazardous property; 3903

(5) Excess or surplus supplies that the director has 3904
authorized to be part of an interagency transfer; 3905

(6) Excess or surplus supplies that are donated under 3906
division (H) of this section. 3907

(D) The director shall inventory excess and surplus 3908
supplies in the director's control and post on a public web site 3909
a list of the supplies available for acquisition. The director 3910
may have the supplies repaired. The director shall not charge a 3911
fee for the collection or transportation of excess and surplus 3912
supplies. 3913

(E) The director may do any of the following: 3914

(1) Dispose of declared surplus or excess supplies in the 3915
director's control by sale, lease, donation, or transfer. If the 3916
director does so, the director shall dispose of those supplies 3917
in any of the following manners: 3918

(a) To state agencies or by interagency trade; 3919

(b) To state-supported or state-assisted institutions of 3920
higher education; 3921

(c) To tax-supported agencies, municipal corporations, or 3922
other political subdivisions of this state, private fire 3923

companies, or private, nonprofit emergency medical service organizations; 3924
3925

(d) To nonpublic elementary and secondary schools chartered by the ~~state board~~ department of education and workforce under section 3301.16 of the Revised Code; 3926
3927
3928

(e) To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c) (3) and that receives funds from the state or has a contract with the state; 3929
3930
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(f) To the general public by auction, sealed bid, sale, or negotiation. 3933
3934

(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E) (1) (a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division. 3935
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(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation, except that no employee of the disposing agency shall be allowed to purchase, lease, or receive any such 3948
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supplies. The director may dispose of declared surplus or excess 3953
supplies, including motor vehicles, in the director's control as 3954
the director determines proper if such supplies cannot be 3955
disposed of pursuant to division (E) of this section. The 3956
director shall by rule establish a minimum value for excess and 3957
surplus supplies and prescribe procedures for a state agency to 3958
follow in disposing of excess and surplus supplies in its 3959
control that have a value below the minimum value established by 3960
the director. 3961

(G) The director of administrative services may authorize 3962
any state agency to transfer surplus computers and computer 3963
equipment that are not needed by other state agencies directly 3964
to an accredited public school within the state. The computers 3965
and computer equipment may be repaired or refurbished prior to 3966
transfer. The state agency may charge a service fee to the 3967
public schools for the property not to exceed the direct cost of 3968
repairing or refurbishing it. The state agency shall deposit 3969
such funds into the account used for repair or refurbishment. 3970

(H) Excess and surplus supplies of food shall be exempt 3971
from this section and may be donated directly to nonprofit food 3972
pantries and institutions without notification to the director 3973
of administrative services. 3974

Sec. 133.06. (A) A school district shall not incur, 3975
without a vote of the electors, net indebtedness that exceeds an 3976
amount equal to one-tenth of one per cent of its tax valuation, 3977
except as provided in divisions (G) and (H) of this section and 3978
in division (D) of section 3313.372 of the Revised Code, or as 3979
prescribed in section 3318.052 or 3318.44 of the Revised Code, 3980
or as provided in division (J) of this section. 3981

(B) Except as provided in divisions (E), (F), and (I) of 3982

this section, a school district shall not incur net indebtedness 3983
that exceeds an amount equal to nine per cent of its tax 3984
valuation. 3985

(C) A school district shall not submit to a vote of the 3986
electors the question of the issuance of securities in an amount 3987
that will make the district's net indebtedness after the 3988
issuance of the securities exceed an amount equal to four per 3989
cent of its tax valuation, unless the ~~superintendent of public~~ 3990
~~instruction~~director of education and workforce, acting under 3991
policies adopted by the ~~state board~~department of education and 3992
workforce, and the tax commissioner, acting under written 3993
policies of the commissioner, consent to the submission. A 3994
request for the consents shall be made at least one hundred 3995
twenty days prior to the election at which the question is to be 3996
submitted. 3997

The ~~superintendent of public instruction~~director of 3998
education and workforce shall certify to the district the 3999
~~superintendent's~~director's and the tax commissioner's decisions 4000
within thirty days after receipt of the request for consents. 4001

If the electors do not approve the issuance of securities 4002
at the election for which the ~~superintendent of public~~ 4003
~~instruction~~director of education and workforce and tax 4004
commissioner consented to the submission of the question, the 4005
school district may submit the same question to the electors on 4006
the date that the next special election may be held under 4007
section 3501.01 of the Revised Code without submitting a new 4008
request for consent. If the school district seeks to submit the 4009
same question at any other subsequent election, the district 4010
shall first submit a new request for consent in accordance with 4011
this division. 4012

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:	4013 4014
(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;	4015 4016 4017
(2) Securities issued under division (F) of this section and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;	4018 4019 4020 4021
(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	4022 4023 4024 4025
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	4026 4027
(5) Debt incurred under section 3313.374 of the Revised Code;	4028 4029
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	4030 4031 4032
(7) Debt incurred under section 3318.042 of the Revised Code;	4033 4034
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	4035 4036 4037
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	4038 4039 4040

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the ~~superintendent of public instruction~~ director of education and workforce with a statistical report showing all of the following:

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The ~~superintendent of public instruction~~ director of education and workforce shall certify the district as an approved special needs district if the ~~superintendent~~ director finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the ~~superintendent~~ director and any

other information the ~~superintendent~~director obtains, indicates 4069
a likelihood of potential average growth of tax valuation of the 4070
district during the next five years of an average of not less 4071
than one and one-half per cent per year. The findings and 4072
certification of the ~~superintendent~~director shall be 4073
conclusive. 4074

(4) An approved special needs district may incur net 4075
indebtedness by the issuance of securities in accordance with 4076
the provisions of this chapter in an amount that does not exceed 4077
an amount equal to the greater of the following: 4078

(a) Twelve per cent of the sum of its tax valuation plus 4079
an amount that is the product of multiplying that tax valuation 4080
by the percentage by which the tax valuation has increased over 4081
the tax valuation on the first day of the sixtieth month 4082
preceding the month in which its board determines to submit to 4083
the electors the question of issuing the proposed securities; 4084

(b) Twelve per cent of the sum of its tax valuation plus 4085
an amount that is the product of multiplying that tax valuation 4086
by the percentage, determined by the ~~superintendent of public~~ 4087
~~instruction~~director of education and workforce, by which that 4088
tax valuation is projected to increase during the next ten 4089
years. 4090

(F) A school district may issue securities for emergency 4091
purposes, in a principal amount that does not exceed an amount 4092
equal to three per cent of its tax valuation, as provided in 4093
this division. 4094

(1) A board of education, by resolution, may declare an 4095
emergency if it determines both of the following: 4096

(a) School buildings or other necessary school facilities 4097

in the district have been wholly or partially destroyed, or 4098
condemned by a constituted public authority, or that such 4099
buildings or facilities are partially constructed, or so 4100
constructed or planned as to require additions and improvements 4101
to them before the buildings or facilities are usable for their 4102
intended purpose, or that corrections to permanent improvements 4103
are necessary to remove or prevent health or safety hazards. 4104

(b) Existing fiscal and net indebtedness limitations make 4105
adequate replacement, additions, or improvements impossible. 4106

(2) Upon the declaration of an emergency, the board of 4107
education may, by resolution, submit to the electors of the 4108
district pursuant to section 133.18 of the Revised Code the 4109
question of issuing securities for the purpose of paying the 4110
cost, in excess of any insurance or condemnation proceeds 4111
received by the district, of permanent improvements to respond 4112
to the emergency need. 4113

(3) The procedures for the election shall be as provided 4114
in section 133.18 of the Revised Code, except that: 4115

(a) The form of the ballot shall describe the emergency 4116
existing, refer to this division as the authority under which 4117
the emergency is declared, and state that the amount of the 4118
proposed securities exceeds the limitations prescribed by 4119
division (B) of this section; 4120

(b) The resolution required by division (B) of section 4121
133.18 of the Revised Code shall be certified to the county 4122
auditor and the board of elections at least one hundred days 4123
prior to the election; 4124

(c) The county auditor shall advise and, not later than 4125
ninety-five days before the election, confirm that advice by 4126

certification to, the board of education of the information 4127
required by division (C) of section 133.18 of the Revised Code; 4128

(d) The board of education shall then certify its 4129
resolution and the information required by division (D) of 4130
section 133.18 of the Revised Code to the board of elections not 4131
less than ninety days prior to the election. 4132

(4) Notwithstanding division (B) of section 133.21 of the 4133
Revised Code, the first principal payment of securities issued 4134
under this division may be set at any date not later than sixty 4135
months after the earliest possible principal payment otherwise 4136
provided for in that division. 4137

(G) (1) The board of education may contract with an 4138
architect, professional engineer, or other person experienced in 4139
the design and implementation of energy conservation measures 4140
for an analysis and recommendations pertaining to installations, 4141
modifications of installations, or remodeling that would 4142
significantly reduce energy consumption in buildings owned by 4143
the district. The report shall include estimates of all costs of 4144
such installations, modifications, or remodeling, including 4145
costs of design, engineering, installation, maintenance, 4146
repairs, measurement and verification of energy savings, and 4147
debt service, forgone residual value of materials or equipment 4148
replaced by the energy conservation measure, as defined by the 4149
Ohio facilities construction commission, a baseline analysis of 4150
actual energy consumption data for the preceding three years 4151
with the utility baseline based on only the actual energy 4152
consumption data for the preceding twelve months, and estimates 4153
of the amounts by which energy consumption and resultant 4154
operational and maintenance costs, as defined by the commission, 4155
would be reduced. 4156

If the board finds after receiving the report that the amount of money the district would spend on such installations, modifications, or remodeling is not likely to exceed the amount of money it would save in energy and resultant operational and maintenance costs over the ensuing fifteen years, the board may submit to the commission a copy of its findings and a request for approval to incur indebtedness to finance the making or modification of installations or the remodeling of buildings for the purpose of significantly reducing energy consumption.

The facilities construction commission, in consultation with the auditor of state, may deny a request under division (G) (1) of this section by the board of education of any school district that is in a state of fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code, if it determines that the expenditure of funds is not in the best interest of the school district.

No district board of education of a school district that is in a state of fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code shall submit a request without submitting evidence that the installations, modifications, or remodeling have been approved by the district's financial planning and supervision commission established under section 3316.05 of the Revised Code.

No board of education of a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code shall submit a request without first receiving approval to incur indebtedness from the district's academic distress commission established under that section, for so long as such commission continues to be required for the district.

(2) The board of education may contract with a person 4187
experienced in the implementation of student transportation to 4188
produce a report that includes an analysis of and 4189
recommendations for the use of alternative fuel vehicles by 4190
school districts. The report shall include cost estimates 4191
detailing the return on investment over the life of the 4192
alternative fuel vehicles and environmental impact of 4193
alternative fuel vehicles. The report also shall include 4194
estimates of all costs associated with alternative fuel 4195
transportation, including facility modifications and vehicle 4196
purchase costs or conversion costs. 4197

If the board finds after receiving the report that the 4198
amount of money the district would spend on purchasing 4199
alternative fuel vehicles or vehicle conversion is not likely to 4200
exceed the amount of money it would save in fuel and resultant 4201
operational and maintenance costs over the ensuing five years, 4202
the board may submit to the commission a copy of its findings 4203
and a request for approval to incur indebtedness to finance the 4204
purchase of new alternative fuel vehicles or vehicle conversions 4205
for the purpose of reducing fuel costs. 4206

The facilities construction commission, in consultation 4207
with the auditor of state, may deny a request under division (G) 4208
(2) of this section by the board of education of any school 4209
district that is in a state of fiscal watch pursuant to division 4210
(A) of section 3316.03 of the Revised Code, if it determines 4211
that the expenditure of funds is not in the best interest of the 4212
school district. 4213

No district board of education of a school district that 4214
is in a state of fiscal emergency pursuant to division (B) of 4215
section 3316.03 of the Revised Code shall submit a request 4216

without submitting evidence that the purchase or conversion of 4217
alternative fuel vehicles has been approved by the district's 4218
financial planning and supervision commission established under 4219
section 3316.05 of the Revised Code. 4220

No board of education of a school district for which an 4221
academic distress commission has been established under section 4222
3302.10 of the Revised Code shall submit a request without first 4223
receiving approval to incur indebtedness from the district's 4224
academic distress commission established under that section, for 4225
so long as such commission continues to be required for the 4226
district. 4227

(3) The facilities construction commission shall approve 4228
the board's request provided that the following conditions are 4229
satisfied: 4230

(a) The commission determines that the board's findings 4231
are reasonable. 4232

(b) The request for approval is complete. 4233

(c) If the request was submitted under division (G) (1) of 4234
this section, the installations, modifications, or remodeling 4235
are consistent with any project to construct or acquire 4236
classroom facilities, or to reconstruct or make additions to 4237
existing classroom facilities under sections 3318.01 to 3318.20 4238
or sections 3318.40 to 3318.45 of the Revised Code. 4239

Upon receipt of the commission's approval, the district 4240
may issue securities without a vote of the electors in a 4241
principal amount not to exceed nine-tenths of one per cent of 4242
its tax valuation for the purpose specified in division (G) (1) 4243
or (2) of this section, but the total net indebtedness of the 4244
district without a vote of the electors incurred under this and 4245

all other sections of the Revised Code, except section 3318.052 4246
of the Revised Code, shall not exceed one per cent of the 4247
district's tax valuation. 4248

(4) (a) So long as any securities issued under division (G) 4249
(1) of this section remain outstanding, the board of education 4250
shall monitor the energy consumption and resultant operational 4251
and maintenance costs of buildings in which installations or 4252
modifications have been made or remodeling has been done 4253
pursuant to that division. Except as provided in division (G) (4) 4254
(b) of this section, the board shall maintain and annually 4255
update a report in a form and manner prescribed by the 4256
facilities construction commission documenting the reductions in 4257
energy consumption and resultant operational and maintenance 4258
cost savings attributable to such installations, modifications, 4259
or remodeling. The resultant operational and maintenance cost 4260
savings shall be certified by the school district treasurer. The 4261
report shall be submitted annually to the commission. 4262

(b) If the facilities construction commission verifies 4263
that the certified annual reports submitted to the commission by 4264
a board of education under division (G) (4) (a) of this section 4265
fulfill the guarantee required under division (B) of section 4266
3313.372 of the Revised Code for three consecutive years, the 4267
board of education shall no longer be subject to the annual 4268
reporting requirements of division (G) (4) (a) of this section. 4269

(5) So long as any securities issued under division (G) (2) 4270
of this section remain outstanding, the board of education shall 4271
monitor the purchase of new alternative fuel vehicles or vehicle 4272
conversions pursuant to that division. The board shall maintain 4273
and annually update a report in a form and manner prescribed by 4274
the facilities construction commission documenting the purchase 4275

of new alternative fuel vehicles or vehicle conversions, the 4276
associated environmental impact, and return on investment. The 4277
resultant fuel and operational and maintenance cost savings 4278
shall be certified by the school district treasurer. The report 4279
shall be submitted annually to the commission. 4280

(H) With the consent of the ~~superintendent of public~~ 4281
~~instruction~~director of education and workforce, a school 4282
district may incur without a vote of the electors net 4283
indebtedness that exceeds the amounts stated in divisions (A) 4284
and (G) of this section for the purpose of paying costs of 4285
permanent improvements, if and to the extent that both of the 4286
following conditions are satisfied: 4287

(1) The fiscal officer of the school district estimates 4288
that receipts of the school district from payments made under or 4289
pursuant to agreements entered into pursuant to section 725.02, 4290
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 4291
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 4292
or 5709.82 of the Revised Code, or distributions under division 4293
(C) of section 5709.43 or division (B) of section 5709.47 of the 4294
Revised Code, or any combination thereof, are, after accounting 4295
for any appropriate coverage requirements, sufficient in time 4296
and amount, and are committed by the proceedings, to pay the 4297
debt charges on the securities issued to evidence that 4298
indebtedness and payable from those receipts, and the taxing 4299
authority of the district confirms the fiscal officer's 4300
estimate, which confirmation is approved by the ~~superintendent~~ 4301
~~of public instruction~~director of education and workforce; 4302

(2) The fiscal officer of the school district certifies, 4303
and the taxing authority of the district confirms, that the 4304
district, at the time of the certification and confirmation, 4305

reasonably expects to have sufficient revenue available for the 4306
purpose of operating such permanent improvements for their 4307
intended purpose upon acquisition or completion thereof, and the 4308
~~superintendent of public instruction~~ director of education and 4309
workforce approves the taxing authority's confirmation. 4310

The maximum maturity of securities issued under division 4311
(H) of this section shall be the lesser of twenty years or the 4312
maximum maturity calculated under section 133.20 of the Revised 4313
Code. 4314

(I) A school district may incur net indebtedness by the 4315
issuance of securities in accordance with the provisions of this 4316
chapter in excess of the limit specified in division (B) or (C) 4317
of this section when necessary to raise the school district 4318
portion of the basic project cost and any additional funds 4319
necessary to participate in a project under Chapter 3318. of the 4320
Revised Code, including the cost of items designated by the 4321
facilities construction commission as required locally funded 4322
initiatives, the cost of other locally funded initiatives in an 4323
amount that does not exceed fifty per cent of the district's 4324
portion of the basic project cost, and the cost for site 4325
acquisition. A school district shall notify the ~~superintendent~~ 4326
~~of public instruction~~ director of education and workforce 4327
whenever that district will exceed either limit pursuant to this 4328
division. 4329

(J) A school district whose portion of the basic project 4330
cost of its classroom facilities project under sections 3318.01 4331
to 3318.20 of the Revised Code is greater than or equal to one 4332
hundred million dollars may incur without a vote of the electors 4333
net indebtedness in an amount up to two per cent of its tax 4334
valuation through the issuance of general obligation securities 4335

in order to generate all or part of the amount of its portion of 4336
the basic project cost if the controlling board has approved the 4337
facilities construction commission's conditional approval of the 4338
project under section 3318.04 of the Revised Code. The school 4339
district board and the Ohio facilities construction commission 4340
shall include the dedication of the proceeds of such securities 4341
in the agreement entered into under section 3318.08 of the 4342
Revised Code. No state moneys shall be released for a project to 4343
which this section applies until the proceeds of any bonds 4344
issued under this section that are dedicated for the payment of 4345
the school district portion of the project are first deposited 4346
into the school district's project construction fund. 4347

Sec. 133.061. (A) This section applies only to a school 4348
district that satisfies all of the following conditions: 4349

(1) The district, prior to June 30, 2007, undertook a 4350
classroom facilities project under section 3318.37 of the 4351
Revised Code. 4352

(2) The district will undertake a subsequent classroom 4353
facilities project under section 3318.37 of the Revised Code 4354
that will consist of a single building housing grades six 4355
through twelve. 4356

(3) The district's project described in division (A) (2) of 4357
this section will include locally funded initiatives that are 4358
not required by the Ohio facilities construction commission. 4359

(4) The district's project described in division (A) (2) of 4360
this section will commence within two years after June 30, 2007. 4361

(B) Notwithstanding any other provision of law to the 4362
contrary, a school district to which this section applies may 4363
incur net indebtedness by the issuance of securities in 4364

accordance with the provisions of this chapter in excess of the 4365
limit specified in division (B) or (C) of section 133.06 of the 4366
Revised Code when necessary to raise the school district portion 4367
of the basic project cost and any additional funds necessary to 4368
participate in the classroom facilities project described in 4369
division (A) (2) of this section, including the cost of items 4370
designated by the Ohio facilities construction commission as 4371
required locally funded initiatives, the cost for site 4372
acquisition, and the cost of the locally funded initiatives that 4373
are not required by the commission described in division (A) (3) 4374
of this section, as long as the district's total net 4375
indebtedness after the issuance of those securities does not 4376
exceed one hundred twenty-five per cent of the limit prescribed 4377
in division (B) of section 133.06 of the Revised Code and the 4378
electors of the district approve the issuance of those 4379
securities. 4380

The facilities construction commission shall notify the 4381
~~superintendent of public instruction~~ director of education and 4382
workforce whenever a school district will exceed either limit 4383
pursuant to this section. 4384

Sec. 135.142. (A) In addition to the investments 4385
authorized by section 135.14 of the Revised Code, any board of 4386
education, by a two-thirds vote of its members, may authorize 4387
the treasurer of the board of education to invest up to forty 4388
per cent of the interim moneys of the board, available for 4389
investment at any one time, in either of the following: 4390

(1) Commercial paper notes issued by any entity that is 4391
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 4392
of section 1706.01 of the Revised Code and has assets exceeding 4393
five hundred million dollars, and to which notes all of the 4394

following apply: 4395

(a) The notes are rated at the time of purchase in the 4396
highest classification established by at least two nationally 4397
recognized standard rating services. 4398

(b) The aggregate value of the notes does not exceed ten 4399
per cent of the aggregate value of the outstanding commercial 4400
paper of the issuing corporation. 4401

(c) The notes mature no later than two hundred seventy 4402
days after purchase. 4403

(d) The investment in commercial paper notes of a single 4404
issuer shall not exceed in the aggregate five per cent of 4405
interim moneys of the board available for investment at the time 4406
of purchase. 4407

(2) Bankers' acceptances of banks that are insured by the 4408
federal deposit insurance corporation and that mature no later 4409
than one hundred eighty days after purchase. 4410

(B) No investment authorized pursuant to division (A) of 4411
this section shall be made, whether or not authorized by a board 4412
of education, unless the treasurer of the board of education has 4413
completed additional training for making the types of 4414
investments authorized pursuant to division (A) of this section. 4415
The type and amount of such training shall be approved and may 4416
be conducted by or provided under the supervision of the 4417
treasurer of state. 4418

(C) The treasurer of the board of education shall prepare 4419
annually and submit to the board of education, the- 4420
~~superintendent of public instruction~~ director of education and 4421
workforce, and the auditor of state, on or before the thirty- 4422
first day of August, a report listing each investment made 4423

pursuant to division (A) of this section during the preceding 4424
fiscal year, income earned from such investments, fees and 4425
commissions paid pursuant to division (D) of this section, and 4426
any other information required by the board, the ~~superintendent~~ 4427
director, and the auditor of state. 4428

(D) A board of education may make appropriations and 4429
expenditures for fees and commissions in connection with 4430
investments made pursuant to division (A) of this section. 4431

(E) (1) In addition to the investments authorized by 4432
section 135.14 of the Revised Code and division (A) of this 4433
section, any board of education that is a party to an agreement 4434
with the treasurer of state pursuant to division (G) of section 4435
135.143 of the Revised Code and that has outstanding obligations 4436
issued under authority of section 133.10 of the Revised Code may 4437
authorize the treasurer of the board of education to invest 4438
interim moneys of the board in debt interests rated in either of 4439
the two highest rating classifications by at least two 4440
nationally recognized standard rating services and issued by 4441
entities that are defined in ~~division (D) of section 1705.01 or~~ 4442
~~division (E) (K)~~ of section 1706.01 of the Revised Code. The 4443
debt interests purchased under authority of division (E) of this 4444
section shall mature not later than the latest maturity date of 4445
the outstanding obligations issued under authority of section 4446
133.10 or 133.301 of the Revised Code. 4447

(2) If any of the debt interests acquired under division 4448
(E) (1) of this section ceases to be rated as there required, its 4449
issuer shall notify the treasurer of state of this fact within 4450
twenty-four hours. At any time thereafter the treasurer of state 4451
may require collateralization at the rate of one hundred two per 4452
cent of any remaining obligation of the entity, with securities 4453

authorized for investment under section 135.143 of the Revised 4454
Code. The collateral shall be delivered to and held by a 4455
custodian acceptable to the treasurer of state, marked to market 4456
daily, and any default to be cured within twelve hours. 4457
Unlimited substitution shall be allowed of comparable 4458
securities. 4459

Sec. 149.331. The state records program of the department 4460
of administrative services shall do all of the following: 4461

(A) Establish and promulgate in consultation with the 4462
state archivist standards, procedures, and techniques for the 4463
effective management of state records; 4464

(B) Review applications for one-time records disposal and 4465
schedules of records retention and destruction submitted by 4466
state agencies in accordance with section 149.333 of the Revised 4467
Code; 4468

(C) Establish "general schedules" proposing the disposal, 4469
after the lapse of specified periods of time, of records of 4470
specified form or character common to several or all agencies 4471
that either have accumulated or may accumulate in such agencies 4472
and that apparently will not, after the lapse of the periods 4473
specified, have sufficient administrative, legal, fiscal, or 4474
other value to warrant their further preservation by the state; 4475

(D) Establish and maintain a records management training 4476
program, and provide a basic consulting service, for personnel 4477
involved in record-making and record-keeping functions of 4478
departments, offices, and institutions; 4479

(E) Provide for the disposition of any remaining records 4480
of any state agency, board, or commission, whether in the 4481
executive, judicial, or legislative branch of government, that 4482

has terminated its operations. After the closing of the Ohio 4483
veterans' children's home, the resident records of the home and 4484
the resident records of the home when it was known as the 4485
soldiers' and sailors' orphans' home required to be maintained 4486
by approved records retention schedules shall be administered by 4487
the state department of education and workforce pursuant to this 4488
chapter, the administrative records of the home required to be 4489
maintained by approved records retention schedules shall be 4490
administered by the department of administrative services 4491
pursuant to this chapter, and historical records of the home 4492
shall be transferred to an appropriate archival institution in 4493
this state prescribed by the state records program. 4494

(F) Establish a centralized program coordinating 4495
micrographics standards, training, and services for the benefit 4496
of all state agencies; 4497

(G) Establish and publish in accordance with the 4498
applicable law necessary procedures and rules for the retention 4499
and disposal of state records. 4500

This section does not apply to the records of state- 4501
supported institutions of higher education, which shall keep 4502
their own records. 4503

Sec. 175.30. As used in sections 175.30 to 175.32 of the 4504
Revised Code: 4505

(A) "First home" or "home" means the first residential 4506
real property located in this state to be purchased by a 4507
recipient who has not owned or had an ownership interest in a 4508
principal residence in the three years prior to the purchase. 4509

(B) "Graduate" means an individual who has graduated from 4510
an institution of higher education and who is eligible under 4511

division (B) of section 175.31 of the Revised Code to apply for 4512
a grant, financial assistance, or down payment assistance 4513
awarded under the grants for grads program. 4514

(C) "Institution of higher education" means a state 4515
university or college located in this state, a private college 4516
or university located in this state that possesses a certificate 4517
of authorization issued by the ~~Ohio board of regents~~ chancellor 4518
of higher education under Chapter 1713. of the Revised Code, or 4519
an accredited college or university located outside this state 4520
that is accredited by an accrediting organization or 4521
professional accrediting association recognized by the ~~Ohio~~ 4522
~~board of regents~~ chancellor. 4523

(D) "Ohio resident" means any of the following: 4524

(1) An individual who was a resident of this state at the 4525
time of the individual's graduation from an Ohio public or 4526
nonpublic high school that is approved by the ~~state board~~ 4527
department of education and workforce, and who is a resident of 4528
this state at the time of applying for the program; 4529

(2) An individual who was a resident of this state at the 4530
time of completing, through the twelfth-grade level, a home 4531
study program approved by the ~~state board~~ department of 4532
education and workforce, and who is a resident of this state at 4533
the time of applying for the program; 4534

(3) An individual whose parent was a resident of this 4535
state at the time of the individual's graduation from high 4536
school, and who graduated from either of the following: 4537

(a) An out-of-state high school that was accredited by a 4538
regional accrediting organization recognized by the United 4539
States department of education and met standards at least 4540

equivalent to those adopted by the ~~state board~~ director of 4541
education and workforce for approval of nonpublic schools in 4542
this state; 4543

(b) A high school approved by the United States department 4544
of defense. 4545

(E) "Program" means the grants for grads program created 4546
under section 175.31 of the Revised Code. 4547

(F) "Recipient" means an individual who has been awarded a 4548
grant or has received financial assistance or down payment 4549
assistance under the program. 4550

Sec. 197.04. (A) The Holocaust and genocide memorial and 4551
education commission shall consist of fifteen members as 4552
follows: 4553

(1) Two members shall be members of the house of 4554
representatives appointed by the governor after consultation 4555
with the speaker of the house of representatives, with one 4556
member being from the majority party and one member being from 4557
the minority party, to serve a term of the remainder of the 4558
general assembly during which the representative is appointed. 4559

(2) Two members shall be members of the senate appointed 4560
by the governor after consultation with the president of the 4561
senate, with one member being from the majority party and one 4562
member being from the minority party, to serve a term of the 4563
remainder of the general assembly during which the senator is 4564
appointed. 4565

(3) Three nonvoting ex officio members, to serve until the 4566
ex officio member ceases to hold the applicable office: 4567

(a) The ~~superintendent of public instruction~~ director of 4568

<u>education and workforce;</u>	4569
(b) The chancellor of higher education;	4570
(c) The director of veterans services.	4571
(4) Eight members shall be appointed by the governor with the advice and consent of the senate, to serve a term of three years, as follows:	4572 4573 4574
(a) At least three members shall be involved in Holocaust and genocide memorial and education or have a personal connection or experience with the Holocaust or genocide.	4575 4576 4577
(b) At least three members shall have expertise regarding the Holocaust and investigation, analysis, or research regarding genocide.	4578 4579 4580
(B) Vacancies shall be filled in the manner provided 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 that term. Any appointed member shall continue in office subsequent to the expiration of that member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.	4581 4582 4583 4584 4585 4586 4587 4588
Sec. 319.301. (A) The reductions required by division (D) of this section do not apply to any of the following:	4589 4590
(1) Taxes levied at whatever rate is required to produce a specified amount of tax money, including a tax levied under section 5705.199 or 5748.09 of the Revised Code, or an amount to pay debt charges;	4591 4592 4593 4594
(2) Taxes levied within the one per cent limitation imposed by Section 2 of Article XII, Ohio Constitution;	4595 4596

(3) Taxes provided for by the charter of a municipal corporation.	4597 4598
(B) As used in this section:	4599
(1) "Real property" includes real property owned by a railroad.	4600 4601
(2) "Carryover property" means all real property on the current year's tax list except:	4602 4603
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	4604 4605
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	4606 4607
(3) "Effective tax rate" means with respect to each class of property:	4608 4609
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D) (1) of this section without regard to the application of division (E) (3) of this section divided by	4610 4611 4612 4613 4614 4615
(b) The taxable value of all real property in that class.	4616
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	4617 4618 4619
(C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate	4620 4621 4622 4623

determinations shall be made for each of the two classes 4624
established pursuant to section 5713.041 of the Revised Code. 4625

(D) With respect to each tax authorized to be levied by 4626
each taxing district, the tax commissioner, annually, shall do 4627
both of the following: 4628

(1) Determine by what percentage, if any, the sums levied 4629
by such tax against the carryover property in each class would 4630
have to be reduced for the tax to levy the same number of 4631
dollars against such property in that class in the current year 4632
as were charged against such property by such tax in the 4633
preceding year subsequent to the reduction made under this 4634
section but before the reduction made under section 319.302 of 4635
the Revised Code. In the case of a tax levied for the first time 4636
that is not a renewal of an existing tax, the commissioner shall 4637
determine by what percentage the sums that would otherwise be 4638
levied by such tax against carryover property in each class 4639
would have to be reduced to equal the amount that would have 4640
been levied if the full rate thereof had been imposed against 4641
the total taxable value of such property in the preceding tax 4642
year. A tax or portion of a tax that is designated a replacement 4643
levy under section 5705.192 of the Revised Code is not a renewal 4644
of an existing tax for purposes of this division. 4645

(2) Certify each percentage determined in division (D) (1) 4646
of this section, as adjusted under division (E) of this section, 4647
and the class of property to which that percentage applies to 4648
the auditor of each county in which the district has territory. 4649
The auditor, after complying with section 319.30 of the Revised 4650
Code, shall reduce the sum to be levied by such tax against each 4651
parcel of real property in the district by the percentage so 4652
certified for its class. Certification shall be made by the 4653

first day of September except in the case of a tax levied for 4654
the first time, in which case certification shall be made within 4655
fifteen days of the date the county auditor submits the 4656
information necessary to make the required determination. 4657

(E) (1) As used in division (E) (2) of this section, "pre- 4658
1982 joint vocational taxes" means, with respect to a class of 4659
property, the difference between the following amounts: 4660

(a) The taxes charged and payable in tax year 1981 against 4661
the property in that class for the current expenses of the joint 4662
vocational school district of which the school district is a 4663
part after making all reductions under this section; 4664

(b) Two-tenths of one per cent of the taxable value of all 4665
real property in that class. 4666

If the amount in division (E) (1) (b) of this section 4667
exceeds the amount in division (E) (1) (a) of this section, the 4668
pre-1982 joint vocational taxes shall be zero. 4669

As used in divisions (E) (2) and (3) of this section, 4670
"taxes charged and payable" has the same meaning as in division 4671
(B) (4) of this section and excludes any tax charged and payable 4672
in 1985 or thereafter under sections 5705.194 to 5705.197 or 4673
section 5705.199, 5705.213, 5705.219, or 5748.09 of the Revised 4674
Code. 4675

(2) If in the case of a school district other than a joint 4676
vocational or cooperative education school district any 4677
percentage required to be used in division (D) (2) of this 4678
section for either class of property could cause the total taxes 4679
charged and payable for current expenses to be less than two per 4680
cent of the taxable value of all real property in that class 4681
that is subject to taxation by the district, the commissioner 4682

shall determine what percentages would cause the district's 4683
total taxes charged and payable for current expenses against 4684
that class, after all reductions that would otherwise be made 4685
under this section, to equal, when combined with the pre-1982 4686
joint vocational taxes against that class, the lesser of the 4687
following: 4688

(a) The sum of the rates at which those taxes are 4689
authorized to be levied; 4690

(b) Two per cent of the taxable value of the property in 4691
that class. The auditor shall use such percentages in making the 4692
reduction required by this section for that class. 4693

(3) If in the case of a joint vocational school district 4694
any percentage required to be used in division (D) (2) of this 4695
section for either class of property could cause the total taxes 4696
charged and payable for current expenses for that class to be 4697
less than two-tenths of one per cent of the taxable value of 4698
that class, the commissioner shall determine what percentages 4699
would cause the district's total taxes charged and payable for 4700
current expenses for that class, after all reductions that would 4701
otherwise be made under this section, to equal that amount. The 4702
auditor shall use such percentages in making the reductions 4703
required by this section for that class. 4704

(F) No reduction shall be made under this section in the 4705
rate at which any tax is levied. 4706

(G) The commissioner may order a county auditor to furnish 4707
any information the commissioner needs to make the 4708
determinations required under division (D) or (E) of this 4709
section, and the auditor shall supply the information in the 4710
form and by the date specified in the order. If the auditor 4711

fails to comply with an order issued under this division, except 4712
for good cause as determined by the commissioner, the 4713
commissioner shall withhold from such county or taxing district 4714
therein fifty per cent of state revenues to local governments 4715
pursuant to section 5747.50 of the Revised Code or shall direct 4716
the department of education and workforce to withhold therefrom 4717
fifty per cent of state revenues to school districts pursuant to 4718
Chapter 3317. of the Revised Code. The commissioner shall 4719
withhold the distribution of such revenues until the county 4720
auditor has complied with this division, and the department 4721
shall withhold the distribution of such revenues until the 4722
commissioner has notified the department that the county auditor 4723
has complied with this division. 4724

(H) If the commissioner is unable to certify a tax 4725
reduction factor for either class of property in a taxing 4726
district located in more than one county by the last day of 4727
November because information required under division (G) of this 4728
section is unavailable, the commissioner may compute and certify 4729
an estimated tax reduction factor for that district for that 4730
class. The estimated factor shall be based upon an estimate of 4731
the unavailable information. Upon receipt of the actual 4732
information for a taxing district that received an estimated tax 4733
reduction factor, the commissioner shall compute the actual tax 4734
reduction factor and use that factor to compute the taxes that 4735
should have been charged and payable against each parcel of 4736
property for the year for which the estimated reduction factor 4737
was used. The amount by which the estimated factor resulted in 4738
an overpayment or underpayment in taxes on any parcel shall be 4739
added to or subtracted from the amount due on that parcel in the 4740
ensuing tax year. 4741

A percentage or a tax reduction factor determined or 4742

computed by the commissioner under this section shall be used 4743
solely for the purpose of reducing the sums to be levied by the 4744
tax to which it applies for the year for which it was determined 4745
or computed. It shall not be used in making any tax computations 4746
for any ensuing tax year. 4747

(I) In making the determinations under division (D)(1) of 4748
this section, the tax commissioner shall take account of changes 4749
in the taxable value of carryover property resulting from 4750
complaints filed under section 5715.19 of the Revised Code for 4751
determinations made for the tax year in which such changes are 4752
reported to the commissioner. Such changes shall be reported to 4753
the commissioner on the first abstract of real property filed 4754
with the commissioner under section 5715.23 of the Revised Code 4755
following the date on which the complaint is finally determined 4756
by the board of revision or by a court or other authority with 4757
jurisdiction on appeal. The tax commissioner shall account for 4758
such changes in making the determinations only for the tax year 4759
in which the change in valuation is reported. Such a valuation 4760
change shall not be used to recompute the percentages determined 4761
under division (D)(1) of this section for any prior tax year. 4762

Sec. 901.71. (A) There is hereby created the advisory 4763
committee on livestock exhibitions consisting of not more than 4764
twenty-one members, as follows: 4765

(1) The director of agriculture, or the director's 4766
designee; 4767

(2) The state veterinarian, or the state veterinarian's 4768
designee; 4769

(3) A representative of the Ohio cattlemen's association, 4770
the Ohio purebred dairy cattle association, the Ohio pork 4771

producers council, the Ohio poultry association, the Ohio sheep 4772
improvement association, the Ohio fair managers association, the 4773
Ohio farm bureau federation, the Ohio farmers union, the Ohio 4774
department of ~~education's~~ education and workforce's agricultural 4775
education service, the Ohio state university extension, the 4776
national farmers organization, and the Ohio state grange, or 4777
their designees. Each of these members shall be chosen by the 4778
organization the member represents. 4779

(4) The chairperson of the Ohio expositions commission, or 4780
the chairperson's designee; 4781

(5) Three persons who shall be appointed by the director, 4782
each of whom shall serve as a member of a board of directors of 4783
a county or independent agricultural society organized under 4784
section 1711.01 or 1711.02 of the Revised Code. Of the initial 4785
appointments made by the director, one shall be for a term 4786
ending on December 31, 1996; one shall be for a term ending on 4787
December 31, 1997; and one shall be for a term ending on 4788
December 31, 1998. 4789

(6) Not more than three additional members appointed at 4790
the option of the director. If the director appoints one or more 4791
additional members, the first additional appointment shall be 4792
for a term ending on December 31, 1996, the second additional 4793
appointment shall be for a term ending on December 31, 1997, and 4794
the third additional appointment shall be for a term ending on 4795
December 31, 1998. 4796

Following the completion of the initial terms of the 4797
appointments made by the director, each term of office shall be 4798
three years, commencing on the first day of January and ending 4799
on the thirty-first day of December. A member appointed by the 4800
director shall hold office from the date of the member's 4801

appointment until the end of the term for which the member was 4802
appointed. Vacancies shall be filled in the same manner as the 4803
original appointment. Any member appointed to fill a vacancy 4804
occurring prior to the expiration of the term for which the 4805
member's predecessor was appointed shall hold office for the 4806
remainder of the unexpired term. Any member shall continue in 4807
office subsequent to the expiration date of the member's term 4808
until the member's successor takes office or until a period of 4809
ninety days has elapsed, whichever occurs first. 4810

Members may be removed from the committee only for 4811
misfeasance, malfeasance, or nonfeasance. A vacancy on the 4812
committee shall not impair the right of the other members to 4813
exercise all of the functions of the committee. A simple 4814
majority constitutes a quorum for the conduct of business of the 4815
committee. On request, each member shall be reimbursed for the 4816
actual and necessary expenses incurred in the discharge of the 4817
member's duties as a committee member. 4818

(B) The committee shall be considered a part of the 4819
department of agriculture for the administrative purposes 4820
required by this section, including the payment of expenses 4821
authorized to each member of the committee under this section. 4822
The director or the director's designee shall serve as 4823
chairperson of the committee. The director shall designate an 4824
employee or official of the department to act as the secretary 4825
of the committee. The secretary shall keep the minutes of the 4826
committee's meetings and a permanent journal of all meetings, 4827
proceedings, findings, determinations, and recommendations of 4828
the committee, including an itemized statement of the expenses 4829
allowed to each member of the committee under this section. The 4830
committee may request from the director, and the director shall 4831
provide, meeting space, assistance, services, and information to 4832

enable the committee to carry out its duties. 4833

(C) The committee shall meet at least once annually after 4834
the fifteenth day of October and before the first day of 4835
December. The committee may meet at other times as the 4836
chairperson or a majority of the committee members considers 4837
appropriate, provided the chairperson gives members written 4838
notice of any meeting at least seven days prior to the meeting. 4839

(D) The committee may propose rules and may advise and 4840
counsel the director on all matters relating to the 4841
administration of exhibitions and any other matters that the 4842
committee and the director consider appropriate in carrying out 4843
sections 901.71 to 901.76 of the Revised Code. 4844

Sec. 921.06. (A) (1) No individual shall do any of the 4845
following without having a commercial applicator license issued 4846
by the director of agriculture: 4847

(a) Apply pesticides for a pesticide business without 4848
direct supervision; 4849

(b) Apply pesticides as part of the individual's duties 4850
while acting as an employee of the United States government, a 4851
state, county, township, or municipal corporation, or a park 4852
district, port authority, or sanitary district created under 4853
Chapter 1545., 4582., or 6115. of the Revised Code, 4854
respectively; 4855

(c) Apply restricted use pesticides. Division (A) (1) (c) of 4856
this section does not apply to a private applicator or an 4857
immediate family member or a subordinate employee of a private 4858
applicator who is acting under the direct supervision of that 4859
private applicator. 4860

(d) If the individual is the owner of a business other 4861

than a pesticide business or an employee of such an owner, apply 4862
pesticides at any of the following publicly accessible sites 4863
that are located on the property: 4864

(i) Food service operations that are licensed under 4865
Chapter 3717. of the Revised Code; 4866

(ii) Retail food establishments that are licensed under 4867
Chapter 3717. of the Revised Code; 4868

(iii) Golf courses; 4869

(iv) Rental properties of more than four apartment units 4870
at one location; 4871

(v) Hospitals or medical facilities as defined in section 4872
3701.01 of the Revised Code; 4873

(vi) Child day-care centers or school child day-care 4874
centers as defined in section 5104.01 of the Revised Code; 4875

(vii) Facilities owned or operated by a school district 4876
established under Chapter 3311. of the Revised Code, including 4877
an educational service center, a community school established 4878
under Chapter 3314. of the Revised Code, or a chartered or 4879
nonchartered nonpublic school that meets minimum standards 4880
established by the ~~state board~~ director of education and 4881
workforce; 4882

(viii) State institutions of higher education as defined 4883
in section 3345.011 of the Revised Code, nonprofit institutions 4884
holding a certificate of authorization pursuant to Chapter 1713. 4885
of the Revised Code, institutions holding a certificate of 4886
registration from the state board of career colleges and schools 4887
and program authorization for an associate or bachelor's degree 4888
program issued under section 3332.05 of the Revised Code, and 4889

private institutions exempt from regulation under Chapter 3332. 4890
of the Revised Code as prescribed in section 3333.046 of the 4891
Revised Code; 4892

(ix) Food processing establishments as defined in section 4893
3715.021 of the Revised Code; 4894

(x) Any other site designated by rule. 4895

(e) Conduct authorized diagnostic inspections. 4896

(2) Divisions (A) (1) (a) to (d) of this section do not 4897
apply to an individual who is acting as a trained serviceperson 4898
under the direct supervision of a commercial applicator. 4899

(3) Licenses shall be issued for a period of time 4900
established by rule and shall be renewed in accordance with 4901
deadlines established by rule. The fee for each such license 4902
shall be established by rule. If a license is not issued or 4903
renewed, the application fee shall be retained by the state as 4904
payment for the reasonable expense of processing the 4905
application. The director shall by rule classify by pesticide- 4906
use category licenses to be issued under this section. A single 4907
license may include more than one pesticide-use category. No 4908
individual shall be required to pay an additional license fee if 4909
the individual is licensed for more than one category. 4910

The fee for each license or renewal does not apply to an 4911
applicant who is an employee of the department of agriculture 4912
whose job duties require licensure as a commercial applicator as 4913
a condition of employment. 4914

(B) Application for a commercial applicator license shall 4915
be made on a form prescribed by the director. Each application 4916
for a license shall state the pesticide-use category or 4917
categories of license for which the applicant is applying and 4918

other information that the director determines essential to the 4919
administration of this chapter. 4920

(C) If the director finds that the applicant is competent 4921
to apply pesticides and conduct diagnostic inspections and that 4922
the applicant has passed both the general examination and each 4923
applicable pesticide-use category examination as required under 4924
division (A) of section 921.12 of the Revised Code, the director 4925
shall issue a commercial applicator license limited to the 4926
pesticide-use category or categories for which the applicant is 4927
found to be competent. If the director rejects an application, 4928
the director may explain why the application was rejected, 4929
describe the additional requirements necessary for the applicant 4930
to obtain a license, and return the application. The applicant 4931
may resubmit the application without payment of any additional 4932
fee. 4933

(D) (1) A person who is a commercial applicator shall be 4934
deemed to hold a private applicator's license for purposes of 4935
applying pesticides on agricultural commodities that are 4936
produced by the commercial applicator. 4937

(2) A commercial applicator shall apply pesticides only in 4938
the pesticide-use category or categories in which the applicator 4939
is licensed under this chapter. 4940

(E) All money collected under this section shall be 4941
credited to the pesticide, fertilizer, and lime program fund 4942
created in section 921.22 of the Revised Code. 4943

Sec. 2151.011. (A) As used in the Revised Code: 4944

(1) "Juvenile court" means whichever of the following is 4945
applicable that has jurisdiction under this chapter and Chapter 4946
2152. of the Revised Code: 4947

(a) The division of the court of common pleas specified in 4948
section 2101.022 or 2301.03 of the Revised Code as having 4949
jurisdiction under this chapter and Chapter 2152. of the Revised 4950
Code or as being the juvenile division or the juvenile division 4951
combined with one or more other divisions; 4952

(b) The juvenile court of Cuyahoga county or Hamilton 4953
county that is separately and independently created by section 4954
2151.08 or Chapter 2153. of the Revised Code and that has 4955
jurisdiction under this chapter and Chapter 2152. of the Revised 4956
Code; 4957

(c) If division (A) (1) (a) or (b) of this section does not 4958
apply, the probate division of the court of common pleas. 4959

(2) "Juvenile judge" means a judge of a court having 4960
jurisdiction under this chapter. 4961

(3) "Private child placing agency" means any association, 4962
as defined in section 5103.02 of the Revised Code, that is 4963
certified under section 5103.03 of the Revised Code to accept 4964
temporary, permanent, or legal custody of children and place the 4965
children for either foster care or adoption. 4966

(4) "Private noncustodial agency" means any person, 4967
organization, association, or society certified by the 4968
department of job and family services that does not accept 4969
temporary or permanent legal custody of children, that is 4970
privately operated in this state, and that does one or more of 4971
the following: 4972

(a) Receives and cares for children for two or more 4973
consecutive weeks; 4974

(b) Participates in the placement of children in certified 4975
foster homes; 4976

(c) Provides adoption services in conjunction with a	4977
public children services agency or private child placing agency.	4978
(B) As used in this chapter:	4979
(1) "Adequate parental care" means the provision by a	4980
child's parent or parents, guardian, or custodian of adequate	4981
food, clothing, and shelter to ensure the child's health and	4982
physical safety and the provision by a child's parent or parents	4983
of specialized services warranted by the child's physical or	4984
mental needs.	4985
(2) "Adult" means an individual who is eighteen years of	4986
age or older.	4987
(3) "Agreement for temporary custody" means a voluntary	4988
agreement authorized by section 5103.15 of the Revised Code that	4989
transfers the temporary custody of a child to a public children	4990
services agency or a private child placing agency.	4991
(4) "Alternative response" means the public children	4992
services agency's response to a report of child abuse or neglect	4993
that engages the family in a comprehensive evaluation of child	4994
safety, risk of subsequent harm, and family strengths and needs	4995
and that does not include a determination as to whether child	4996
abuse or neglect occurred.	4997
(5) "Certified foster home" means a foster home, as	4998
defined in section 5103.02 of the Revised Code, certified under	4999
section 5103.03 of the Revised Code.	5000
(6) "Child" means a person who is under eighteen years of	5001
age, except that the juvenile court has jurisdiction over any	5002
person who is adjudicated an unruly child prior to attaining	5003
eighteen years of age until the person attains twenty-one years	5004
of age, and, for purposes of that jurisdiction related to that	5005

adjudication, a person who is so adjudicated an unruly child 5006
shall be deemed a "child" until the person attains twenty-one 5007
years of age. 5008

(7) "Child day camp," "child care," "child day-care 5009
center," "part-time child day-care center," "type A family day- 5010
care home," "licensed type B family day-care home," "type B 5011
family day-care home," "administrator of a child day-care 5012
center," "administrator of a type A family day-care home," and 5013
"in-home aide" have the same meanings as in section 5104.01 of 5014
the Revised Code. 5015

(8) "Child care provider" means an individual who is a 5016
child-care staff member or administrator of a child day-care 5017
center, a type A family day-care home, or a type B family day- 5018
care home, or an in-home aide or an individual who is licensed, 5019
is regulated, is approved, operates under the direction of, or 5020
otherwise is certified by the department of job and family 5021
services, department of developmental disabilities, or the early 5022
childhood programs of the department of education and workforce. 5023

(9) "Commit" means to vest custody as ordered by the 5024
court. 5025

(10) "Counseling" includes both of the following: 5026

(a) General counseling services performed by a public 5027
children services agency or shelter for victims of domestic 5028
violence to assist a child, a child's parents, and a child's 5029
siblings in alleviating identified problems that may cause or 5030
have caused the child to be an abused, neglected, or dependent 5031
child. 5032

(b) Psychiatric or psychological therapeutic counseling 5033
services provided to correct or alleviate any mental or 5034

emotional illness or disorder and performed by a licensed 5035
psychiatrist, licensed psychologist, or a person licensed under 5036
Chapter 4757. of the Revised Code to engage in social work or 5037
professional counseling. 5038

(11) "Custodian" means a person who has legal custody of a 5039
child or a public children services agency or private child 5040
placing agency that has permanent, temporary, or legal custody 5041
of a child. 5042

(12) "Delinquent child" has the same meaning as in section 5043
2152.02 of the Revised Code. 5044

(13) "Detention" means the temporary care of children 5045
pending court adjudication or disposition, or execution of a 5046
court order, in a public or private facility designed to 5047
physically restrict the movement and activities of children. 5048

(14) "Developmental disability" has the same meaning as in 5049
section 5123.01 of the Revised Code. 5050

(15) "Differential response approach" means an approach 5051
that a public children services agency may use to respond to 5052
accepted reports of child abuse or neglect with either an 5053
alternative response or a traditional response. 5054

(16) "Foster caregiver" has the same meaning as in section 5055
5103.02 of the Revised Code. 5056

(17) "Guardian" means a person, association, or 5057
corporation that is granted authority by a probate court 5058
pursuant to Chapter 2111. of the Revised Code to exercise 5059
parental rights over a child to the extent provided in the 5060
court's order and subject to the residual parental rights of the 5061
child's parents. 5062

(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 or 3321.042 of the Revised Code;

(c) The fact that the child in question has received an

age and schooling certificate in accordance with section 3331.01 5092
of the Revised Code. 5093

(23) "Mental illness" has the same meaning as in section 5094
5122.01 of the Revised Code. 5095

(24) "Mental injury" means any behavioral, cognitive, 5096
emotional, or mental disorder in a child caused by an act or 5097
omission that is described in section 2919.22 of the Revised 5098
Code and is committed by the parent or other person responsible 5099
for the child's care. 5100

(25) "Nonsecure care, supervision, or training" means 5101
care, supervision, or training of a child in a facility that 5102
does not confine or prevent movement of the child within the 5103
facility or from the facility. 5104

(26) "Of compulsory school age" has the same meaning as in 5105
section 3321.01 of the Revised Code. 5106

(27) "Organization" means any institution, public, 5107
semipublic, or private, and any private association, society, or 5108
agency located or operating in the state, incorporated or 5109
unincorporated, having among its functions the furnishing of 5110
protective services or care for children, or the placement of 5111
children in certified foster homes or elsewhere. 5112

(28) "Out-of-home care" means detention facilities, 5113
shelter facilities, certified children's crisis care facilities, 5114
certified foster homes, placement in a prospective adoptive home 5115
prior to the issuance of a final decree of adoption, 5116
organizations, certified organizations, child day-care centers, 5117
type A family day-care homes, type B family day-care homes, 5118
child care provided by in-home aides, group home providers, 5119
group homes, institutions, state institutions, residential 5120

facilities, residential care facilities, residential camps, day 5121
camps, private, nonprofit therapeutic wilderness camps, public 5122
schools, chartered nonpublic schools, educational service 5123
centers, hospitals, and medical clinics that are responsible for 5124
the care, physical custody, or control of children. 5125

(29) "Out-of-home care child abuse" means any of the 5126
following when committed by a person responsible for the care of 5127
a child in out-of-home care: 5128

(a) Engaging in sexual activity with a child in the 5129
person's care; 5130

(b) Denial to a child, as a means of punishment, of proper 5131
or necessary subsistence, education, medical care, or other care 5132
necessary for a child's health; 5133

(c) Use of restraint procedures on a child that cause 5134
injury or pain; 5135

(d) Administration of prescription drugs or psychotropic 5136
medication to the child without the written approval and ongoing 5137
supervision of a licensed physician; 5138

(e) Commission of any act, other than by accidental means, 5139
that results in any injury to or death of the child in out-of- 5140
home care or commission of any act by accidental means that 5141
results in an injury to or death of a child in out-of-home care 5142
and that is at variance with the history given of the injury or 5143
death. 5144

(30) "Out-of-home care child neglect" means any of the 5145
following when committed by a person responsible for the care of 5146
a child in out-of-home care: 5147

(a) Failure to provide reasonable supervision according to 5148

the standards of care appropriate to the age, mental and	5149
physical condition, or other special needs of the child;	5150
(b) Failure to provide reasonable supervision according to	5151
the standards of care appropriate to the age, mental and	5152
physical condition, or other special needs of the child, that	5153
results in sexual or physical abuse of the child by any person;	5154
(c) Failure to develop a process for all of the following:	5155
(i) Administration of prescription drugs or psychotropic	5156
drugs for the child;	5157
(ii) Assuring that the instructions of the licensed	5158
physician who prescribed a drug for the child are followed;	5159
(iii) Reporting to the licensed physician who prescribed	5160
the drug all unfavorable or dangerous side effects from the use	5161
of the drug.	5162
(d) Failure to provide proper or necessary subsistence,	5163
education, medical care, or other individualized care necessary	5164
for the health or well-being of the child;	5165
(e) Confinement of the child to a locked room without	5166
monitoring by staff;	5167
(f) Failure to provide ongoing security for all	5168
prescription and nonprescription medication;	5169
(g) Isolation of a child for a period of time when there	5170
is substantial risk that the isolation, if continued, will	5171
impair or retard the mental health or physical well-being of the	5172
child.	5173
(31) "Permanent custody" means a legal status that vests	5174
in a public children services agency or a private child placing	5175

agency, all parental rights, duties, and obligations, including 5176
the right to consent to adoption, and divests the natural 5177
parents or adoptive parents of all parental rights, privileges, 5178
and obligations, including all residual rights and obligations. 5179

(32) "Permanent surrender" means the act of the parents 5180
or, if a child has only one parent, of the parent of a child, by 5181
a voluntary agreement authorized by section 5103.15 of the 5182
Revised Code, to transfer the permanent custody of the child to 5183
a public children services agency or a private child placing 5184
agency. 5185

(33) "Person" means an individual, association, 5186
corporation, or partnership and the state or any of its 5187
political subdivisions, departments, or agencies. 5188

(34) "Person responsible for a child's care in out-of-home 5189
care" means any of the following: 5190

(a) Any foster caregiver, in-home aide, or provider; 5191

(b) Any administrator, employee, or agent of any of the 5192
following: a public or private detention facility; shelter 5193
facility; certified children's crisis care facility; 5194
organization; certified organization; child day-care center; 5195
type A family day-care home; licensed type B family day-care 5196
home; group home; institution; state institution; residential 5197
facility; residential care facility; residential camp; day camp; 5198
school district; community school; chartered nonpublic school; 5199
educational service center; hospital; or medical clinic; 5200

(c) Any person who supervises or coaches children as part 5201
of an extracurricular activity sponsored by a school district, 5202
public school, or chartered nonpublic school; 5203

(d) Any other person who performs a similar function with 5204

respect to, or has a similar relationship to, children. 5205

(35) "Physical impairment" means having one or more of the 5206
following conditions that substantially limit one or more of an 5207
individual's major life activities, including self-care, 5208
receptive and expressive language, learning, mobility, and self- 5209
direction: 5210

(a) A substantial impairment of vision, speech, or 5211
hearing; 5212

(b) A congenital orthopedic impairment; 5213

(c) An orthopedic impairment caused by disease, rheumatic 5214
fever or any other similar chronic or acute health problem, or 5215
amputation or another similar cause. 5216

(36) "Placement for adoption" means the arrangement by a 5217
public children services agency or a private child placing 5218
agency with a person for the care and adoption by that person of 5219
a child of whom the agency has permanent custody. 5220

(37) "Placement in foster care" means the arrangement by a 5221
public children services agency or a private child placing 5222
agency for the out-of-home care of a child of whom the agency 5223
has temporary custody or permanent custody. 5224

(38) "Planned permanent living arrangement" means an order 5225
of a juvenile court pursuant to which both of the following 5226
apply: 5227

(a) The court gives legal custody of a child to a public 5228
children services agency or a private child placing agency 5229
without the termination of parental rights. 5230

(b) The order permits the agency to make an appropriate 5231
placement of the child and to enter into a written agreement 5232

with a foster care provider or with another person or agency	5233
with whom the child is placed.	5234
(39) "Practice of social work" and "practice of	5235
professional counseling" have the same meanings as in section	5236
4757.01 of the Revised Code.	5237
(40) "Private, nonprofit therapeutic wilderness camp" has	5238
the same meaning as in section 5103.02 of the Revised Code.	5239
(41) "Sanction, service, or condition" means a sanction,	5240
service, or condition created by court order following an	5241
adjudication that a child is an unruly child that is described	5242
in division (A) (4) of section 2152.19 of the Revised Code.	5243
(42) "Protective supervision" means an order of	5244
disposition pursuant to which the court permits an abused,	5245
neglected, dependent, or unruly child to remain in the custody	5246
of the child's parents, guardian, or custodian and stay in the	5247
child's home, subject to any conditions and limitations upon the	5248
child, the child's parents, guardian, or custodian, or any other	5249
person that the court prescribes, including supervision as	5250
directed by the court for the protection of the child.	5251
(43) "Psychiatrist" has the same meaning as in section	5252
5122.01 of the Revised Code.	5253
(44) "Psychologist" has the same meaning as in section	5254
4732.01 of the Revised Code.	5255
(45) "Resource caregiver" has the same meaning as in	5256
section 5103.02 of the Revised Code.	5257
(46) "Resource family" has the same meaning as in section	5258
5103.02 of the Revised Code.	5259
(47) "Residential camp" means a program in which the care,	5260

physical custody, or control of children is accepted overnight 5261
for recreational or recreational and educational purposes. 5262

(48) "Residential care facility" means an institution, 5263
residence, or facility that is licensed by the department of 5264
mental health and addiction services under section 5119.34 of 5265
the Revised Code and that provides care for a child. 5266

(49) "Residential facility" means a home or facility that 5267
is licensed by the department of developmental disabilities 5268
under section 5123.19 of the Revised Code and in which a child 5269
with a developmental disability resides. 5270

(50) "Residual parental rights, privileges, and 5271
responsibilities" means those rights, privileges, and 5272
responsibilities remaining with the natural parent after the 5273
transfer of legal custody of the child, including, but not 5274
necessarily limited to, the privilege of reasonable visitation, 5275
consent to adoption, the privilege to determine the child's 5276
religious affiliation, and the responsibility for support. 5277

(51) "School day" means the school day established by the 5278
board of education of the applicable school district pursuant to 5279
section 3313.481 of the Revised Code. 5280

(52) "School year" has the same meaning as in section 5281
3313.62 of the Revised Code. 5282

(53) "Secure correctional facility" means a facility under 5283
the direction of the department of youth services that is 5284
designed to physically restrict the movement and activities of 5285
children and used for the placement of children after 5286
adjudication and disposition. 5287

(54) "Sexual activity" has the same meaning as in section 5288
2907.01 of the Revised Code. 5289

(55) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2151.353. (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of any of the following:

(a) A public children services agency;	5318
(b) A private child placing agency;	5319
(c) Either parent;	5320
(d) A relative residing within or outside the state;	5321
(e) A probation officer for placement in a certified foster home;	5322 5323
(f) Any other person approved by the court.	5324
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	5325 5326 5327 5328 5329 5330 5331 5332 5333 5334
(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	5335 5336 5337
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of	5338 5339 5340 5341 5342 5343 5344 5345

the curriculum of any high school, successful completion of an 5346
individualized education program developed for the student by 5347
any high school, or an age and schooling certificate. 5348
Responsibility beyond the age of majority shall terminate when 5349
the child ceases to continuously pursue such an education, 5350
completes such an education, or is excused from such an 5351
education under standards adopted by the ~~state board~~ department 5352
of education and workforce, whichever occurs first. 5353

(c) That the parents of the child have residual parental 5354
rights, privileges, and responsibilities, including, but not 5355
limited to, the privilege of reasonable visitation, consent to 5356
adoption, the privilege to determine the child's religious 5357
affiliation, and the responsibility for support; 5358

(d) That the person understands that the person must be 5359
present in court for the dispositional hearing in order to 5360
affirm the person's intention to become legal custodian, to 5361
affirm that the person understands the effect of the 5362
custodianship before the court, and to answer any questions that 5363
the court or any parties to the case may have. 5364

(4) Commit the child to the permanent custody of a public 5365
children services agency or private child placing agency, if the 5366
court determines in accordance with division (E) of section 5367
2151.414 of the Revised Code that the child cannot be placed 5368
with one of the child's parents within a reasonable time or 5369
should not be placed with either parent and determines in 5370
accordance with division (D) (1) of section 2151.414 of the 5371
Revised Code that the permanent commitment is in the best 5372
interest of the child. If the court grants permanent custody 5373
under this division, the court, upon the request of any party, 5374
shall file a written opinion setting forth its findings of fact 5375

and conclusions of law in relation to the proceeding. 5376

(5) Place the child in a planned permanent living 5377
arrangement with a public children services agency or private 5378
child placing agency, if a public children services agency or 5379
private child placing agency requests the court to place the 5380
child in a planned permanent living arrangement and if the court 5381
finds, by clear and convincing evidence, that a planned 5382
permanent living arrangement is in the best interest of the 5383
child, that the child is sixteen years of age or older, and that 5384
one of the following exists: 5385

(a) The child, because of physical, mental, or 5386
psychological problems or needs, is unable to function in a 5387
family-like setting and must remain in residential or 5388
institutional care now and for the foreseeable future beyond the 5389
date of the dispositional hearing held pursuant to section 5390
2151.35 of the Revised Code. 5391

(b) The parents of the child have significant physical, 5392
mental, or psychological problems and are unable to care for the 5393
child because of those problems, adoption is not in the best 5394
interest of the child, as determined in accordance with division 5395
(D) (1) of section 2151.414 of the Revised Code, and the child 5396
retains a significant and positive relationship with a parent or 5397
relative. 5398

(c) The child has been counseled on the permanent 5399
placement options available to the child, and is unwilling to 5400
accept or unable to adapt to a permanent placement. 5401

(6) Order the removal from the child's home until further 5402
order of the court of the person who committed abuse as 5403
described in section 2151.031 of the Revised Code against the 5404

child, who caused or allowed the child to suffer neglect as 5405
described in section 2151.03 of the Revised Code, or who is the 5406
parent, guardian, or custodian of a child who is adjudicated a 5407
dependent child and order any person not to have contact with 5408
the child or the child's siblings. 5409

(B) (1) When making a determination on whether to place a 5410
child in a planned permanent living arrangement pursuant to 5411
division (A) (5) (b) or (c) of this section, the court shall 5412
consider all relevant information that has been presented to the 5413
court, including information gathered from the child, the 5414
child's guardian ad litem, and the public children services 5415
agency or private child placing agency. 5416

(2) A child who is placed in a planned permanent living 5417
arrangement pursuant to division (A) (5) (b) or (c) of this 5418
section shall be placed in an independent living setting or in a 5419
family setting in which the caregiver has been provided by the 5420
agency that has custody of the child with a notice that 5421
addresses the following: 5422

(a) The caregiver understands that the planned permanent 5423
living arrangement is intended to be permanent in nature and 5424
that the caregiver will provide a stable placement for the child 5425
through the child's emancipation or until the court releases the 5426
child from the custody of the agency, whichever occurs first. 5427

(b) The caregiver is expected to actively participate in 5428
the youth's independent living case plan, attend agency team 5429
meetings and court hearings as appropriate, complete training, 5430
as developed and implemented under section 5103.035 of the 5431
Revised Code, related to providing the child independent living 5432
services, and assist in the child's transition into adulthood. 5433

(3) The department of job and family services shall 5434
develop a model notice to be provided by an agency that has 5435
custody of a child to a caregiver under division (B) (2) of this 5436
section. The agency may modify the model notice to apply to the 5437
needs of the agency. 5438

(C) No order for permanent custody or temporary custody of 5439
a child or the placement of a child in a planned permanent 5440
living arrangement shall be made pursuant to this section unless 5441
the complaint alleging the abuse, neglect, or dependency 5442
contains a prayer requesting permanent custody, temporary 5443
custody, or the placement of the child in a planned permanent 5444
living arrangement as desired, the summons served on the parents 5445
of the child contains as is appropriate a full explanation that 5446
the granting of an order for permanent custody permanently 5447
divests them of their parental rights, a full explanation that 5448
an adjudication that the child is an abused, neglected, or 5449
dependent child may result in an order of temporary custody that 5450
will cause the removal of the child from their legal custody 5451
until the court terminates the order of temporary custody or 5452
permanently divests the parents of their parental rights, or a 5453
full explanation that the granting of an order for a planned 5454
permanent living arrangement will result in the removal of the 5455
child from their legal custody if any of the conditions listed 5456
in divisions (A) (5) (a) to (c) of this section are found to 5457
exist, and the summons served on the parents contains a full 5458
explanation of their right to be represented by counsel and to 5459
have counsel appointed pursuant to Chapter 120. of the Revised 5460
Code if they are indigent. 5461

If after making disposition as authorized by division (A) 5462
(2) of this section, a motion is filed that requests permanent 5463
custody of the child, the court may grant permanent custody of 5464

the child to the movant in accordance with section 2151.414 of 5465
the Revised Code. 5466

(D) If the court issues an order for protective 5467
supervision pursuant to division (A)(1) of this section, the 5468
court may place any reasonable restrictions upon the child, the 5469
child's parents, guardian, or custodian, or any other person, 5470
including, but not limited to, any of the following: 5471

(1) Order a party, within forty-eight hours after the 5472
issuance of the order, to vacate the child's home indefinitely 5473
or for a specified period of time; 5474

(2) Order a party, a parent of the child, or a physical 5475
custodian of the child to prevent any particular person from 5476
having contact with the child; 5477

(3) Issue an order restraining or otherwise controlling 5478
the conduct of any person which conduct would not be in the best 5479
interest of the child. 5480

(E) As part of its dispositional order, the court shall 5481
journalize a case plan for the child. The journalized case plan 5482
shall not be changed except as provided in section 2151.412 of 5483
the Revised Code. 5484

(F)(1) The court shall retain jurisdiction over any child 5485
for whom the court issues an order of disposition pursuant to 5486
division (A) of this section or pursuant to section 2151.414 or 5487
2151.415 of the Revised Code until the child attains the age of 5488
eighteen years if the child does not have a developmental 5489
disability or physical impairment, the child attains the age of 5490
twenty-one years if the child has a developmental disability or 5491
physical impairment, or the child is adopted and a final decree 5492
of adoption is issued, except that the court may retain 5493

jurisdiction over the child and continue any order of 5494
disposition under division (A) of this section or under section 5495
2151.414 or 2151.415 of the Revised Code for a specified period 5496
of time to enable the child to graduate from high school or 5497
vocational school. The court shall make an entry continuing its 5498
jurisdiction under this division in the journal. 5499

(2) Any public children services agency, any private child 5500
placing agency, the department of job and family services, or 5501
any party, other than any parent whose parental rights with 5502
respect to the child have been terminated pursuant to an order 5503
issued under division (A) (4) of this section, by filing a motion 5504
with the court, may at any time request the court to modify or 5505
terminate any order of disposition issued pursuant to division 5506
(A) of this section or section 2151.414 or 2151.415 of the 5507
Revised Code. The court shall hold a hearing upon the motion as 5508
if the hearing were the original dispositional hearing and shall 5509
give all parties to the action and the guardian ad litem notice 5510
of the hearing pursuant to the Juvenile Rules. If applicable, 5511
the court shall comply with section 2151.42 of the Revised Code. 5512

(G) Any temporary custody order issued pursuant to 5513
division (A) of this section shall terminate one year after the 5514
earlier of the date on which the complaint in the case was filed 5515
or the child was first placed into shelter care, except that, 5516
upon the filing of a motion pursuant to section 2151.415 of the 5517
Revised Code, the temporary custody order shall continue and not 5518
terminate until the court issues a dispositional order under 5519
that section. In resolving the motion, the court shall not order 5520
an existing temporary custody order to continue beyond two years 5521
after the date on which the complaint was filed or the child was 5522
first placed into shelter care, whichever date is earlier, 5523
regardless of whether any extensions have been previously 5524

ordered pursuant to division (D) of section 2151.415 of the Revised Code.

(H) (1) No later than one year after the earlier of the date the complaint in the case was filed or the child was first placed in shelter care, a party may ask the court to extend an order for protective supervision for six months or to terminate the order. A party requesting extension or termination of the order shall file a written request for the extension or termination with the court and give notice of the proposed extension or termination in writing before the end of the day after the day of filing it to all parties and the child's guardian ad litem. If a public children services agency or private child placing agency requests termination of the order, the agency shall file a written status report setting out the facts supporting termination of the order at the time it files the request with the court. If no party requests extension or termination of the order, the court shall notify the parties that the court will extend the order for six months or terminate it and that it may do so without a hearing unless one of the parties requests a hearing. All parties and the guardian ad litem shall have seven days from the date a notice is sent pursuant to this division to object to and request a hearing on the proposed extension or termination.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension

is in the child's best interest, the court shall extend the 5556
order for six months. 5557

(b) If it does not receive a timely request for a hearing, 5558
the court may extend the order for six months or terminate it 5559
without a hearing and shall journalize the order of extension or 5560
termination not later than fourteen days after receiving the 5561
request for extension or termination or after the date the court 5562
notifies the parties that it will extend or terminate the order. 5563
If the court does not extend or terminate the order, it shall 5564
schedule a hearing to be held no later than thirty days after 5565
the expiration of the applicable fourteen-day time period and 5566
give notice of the date, time, and location of the hearing to 5567
all parties and the child's guardian ad litem. At the hearing, 5568
the court shall determine whether extension or termination of 5569
the order is in the child's best interest. If termination is in 5570
the child's best interest, the court shall terminate the order. 5571
If extension is in the child's best interest, the court shall 5572
issue an order extending the order for protective supervision 5573
six months. 5574

(2) If the court grants an extension of the order for 5575
protective supervision pursuant to division (H) (1) of this 5576
section, a party may, prior to termination of the extension, 5577
file with the court a request for an additional extension of six 5578
months or for termination of the order. The court and the 5579
parties shall comply with division (H) (1) of this section with 5580
respect to extending or terminating the order. 5581

(3) If a court grants an extension pursuant to division 5582
(H) (2) of this section, the court shall terminate the order for 5583
protective supervision at the end of the extension. 5584

(I) The court shall not issue a dispositional order 5585

pursuant to division (A) of this section that removes a child 5586
from the child's home unless the court complies with section 5587
2151.419 of the Revised Code and includes in the dispositional 5588
order the findings of fact required by that section. 5589

(J) If a motion or application for an order described in 5590
division (A)(6) of this section is made, the court shall not 5591
issue the order unless, prior to the issuance of the order, it 5592
provides to the person all of the following: 5593

(1) Notice and a copy of the motion or application; 5594

(2) The grounds for the motion or application; 5595

(3) An opportunity to present evidence and witnesses at a 5596
hearing regarding the motion or application; 5597

(4) An opportunity to be represented by counsel at the 5598
hearing. 5599

(K) The jurisdiction of the court shall terminate one year 5600
after the date of the award or, if the court takes any further 5601
action in the matter subsequent to the award, the date of the 5602
latest further action subsequent to the award, if the court 5603
awards legal custody of a child to either of the following: 5604

(1) A legal custodian who, at the time of the award of 5605
legal custody, resides in a county of this state other than the 5606
county in which the court is located; 5607

(2) A legal custodian who resides in the county in which 5608
the court is located at the time of the award of legal custody, 5609
but moves to a different county of this state prior to one year 5610
after the date of the award or, if the court takes any further 5611
action in the matter subsequent to the award, one year after the 5612
date of the latest further action subsequent to the award. 5613

The court in the county in which the legal custodian 5614
resides then shall have jurisdiction in the matter. 5615

Sec. 2151.357. (A) If the court orders the records of a 5616
person sealed pursuant to section 2151.356 of the Revised Code, 5617
the person who is subject of the order properly may, and the 5618
court shall, reply that no record exists with respect to the 5619
person upon any inquiry in the matter, and the court, except as 5620
provided in division (D) of this section, shall do all of the 5621
following: 5622

(1) Order that the proceedings in a case described in 5623
divisions (B) and (C) of section 2151.356 of the Revised Code be 5624
deemed never to have occurred; 5625

(2) Except as provided in division (C) of this section, 5626
delete all index references to the case and the person so that 5627
the references are permanently irretrievable; 5628

(3) Order that all original records of the case maintained 5629
by any public office or agency, except fingerprints held by a 5630
law enforcement agency, DNA specimens collected pursuant to 5631
section 2152.74 of the Revised Code, and DNA records derived 5632
from DNA specimens pursuant to section 109.573 of the Revised 5633
Code, be delivered to the court; 5634

(4) Order each public office or agency, upon the 5635
delivering of records to the court under division (A) (3) of this 5636
section, to expunge remaining records of the case that are the 5637
subject of the sealing order that are maintained by that public 5638
office or agency, except fingerprints, DNA specimens, and DNA 5639
records described under division (A) (3) of this section; 5640

(5) Send notice of the order to seal to any public office 5641
or agency that the court has reason to believe may have a record 5642

of the sealed record including, but not limited to, the bureau 5643
of criminal identification and investigation; 5644

(6) Seal all of the records delivered to the court under 5645
division (A) (3) of this section, in a separate file in which 5646
only sealed records are maintained. 5647

(B) Except as provided in division (D) of this section, an 5648
order to seal under section 2151.356 of the Revised Code applies 5649
to every public office or agency that has a record relating to 5650
the case, regardless of whether it receives notice of the 5651
hearing on the sealing of the record or a copy of the order. 5652
Except as provided in division (D) of this section, upon the 5653
written request of a person whose record has been sealed and the 5654
presentation of a copy of the order and compliance with division 5655
(A) (3) of this section, a public office or agency shall expunge 5656
its record relating to the case, except a record of the 5657
adjudication or arrest or taking into custody that is maintained 5658
for compiling statistical data and that does not contain any 5659
reference to the person who is the subject of the order. 5660

(C) The court that maintains sealed records pursuant to 5661
this section may maintain a manual or computerized index of the 5662
sealed records and shall make the index available only for the 5663
purposes set forth in division (E) of this section. 5664

(1) Each entry regarding a sealed record in the index of 5665
sealed records shall contain all of the following: 5666

(a) The name of the person who is the subject of the 5667
sealed record; 5668

(b) An alphanumeric identifier relating to the person who 5669
is the subject of the sealed record; 5670

(c) The word "sealed"; 5671

(d) The name of the court that has custody of the sealed record. 5672
5673

(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following: 5674
5675

(a) The social security number of the person who is subject of the sealed record; 5676
5677

(b) The name or a description of the act committed. 5678

(D) Notwithstanding any provision of this section that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding an adjudication that the individual is a delinquent child that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under section 2151.356 of the Revised Code to seal the record of an adjudication that an individual is a delinquent child does not revoke the adjudication order of the ~~superintendent of public instruction~~ director of education and workforce to permanently exclude the individual who is the subject of the sealing order. An order to seal the record of an adjudication that an individual is a delinquent child may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed adjudication records of an individual that were the basis of a 5679
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permanent exclusion of the individual is subject to division (F) 5702
of this section. 5703

(E) Inspection of records that have been ordered sealed 5704
under section 2151.356 of the Revised Code may be made only by 5705
the following persons or for the following purposes: 5706

(1) By the court; 5707

(2) If the records in question pertain to an act that 5708
would be an offense of violence that would be a felony if 5709
committed by an adult, by any law enforcement officer or any 5710
prosecutor, or the assistants of a law enforcement officer or 5711
prosecutor, for any valid law enforcement or prosecutorial 5712
purpose; 5713

(3) Upon application by the person who is the subject of 5714
the sealed records, by the person that is named in that 5715
application; 5716

(4) If the records in question pertain to an alleged 5717
violation of division (E) (1) of section 4301.69 of the Revised 5718
Code, by any law enforcement officer or any prosecutor, or the 5719
assistants of a law enforcement officer or prosecutor, for the 5720
purpose of determining whether the person is eligible for 5721
diversion under division (E) (2) of section 4301.69 of the 5722
Revised Code; 5723

(5) At the request of a party in a civil action that is 5724
based on a case the records for which are the subject of a 5725
sealing order issued under section 2151.356 of the Revised Code, 5726
as needed for the civil action. The party also may copy the 5727
records as needed for the civil action. The sealed records shall 5728
be used solely in the civil action and are otherwise 5729
confidential and subject to the provisions of this section; 5730

(6) By the attorney general or an authorized employee of 5731
the attorney general or the court for purposes of determining 5732
whether a child is a public registry-qualified juvenile offender 5733
registrant, as defined in section 2950.01 of the Revised Code, 5734
for purposes of Chapter 2950. of the Revised Code. 5735

(F) No officer or employee of the state or any of its 5736
political subdivisions shall knowingly release, disseminate, or 5737
make available for any purpose involving employment, bonding, 5738
licensing, or education to any person or to any department, 5739
agency, or other instrumentality of the state or of any of its 5740
political subdivisions any information or other data concerning 5741
any arrest, taking into custody, complaint, indictment, 5742
information, trial, hearing, adjudication, or correctional 5743
supervision, the records of which have been sealed pursuant to 5744
section 2151.356 of the Revised Code and the release, 5745
dissemination, or making available of which is not expressly 5746
permitted by this section. Whoever violates this division is 5747
guilty of divulging confidential information, a misdemeanor of 5748
the fourth degree. 5749

(G) In any application for employment, license, or other 5750
right or privilege, any appearance as a witness, or any other 5751
inquiry, a person may not be questioned with respect to any 5752
arrest or taking into custody for which the records were sealed. 5753
If an inquiry is made in violation of this division, the person 5754
may respond as if the sealed arrest or taking into custody did 5755
not occur, and the person shall not be subject to any adverse 5756
action because of the arrest or taking into custody or the 5757
response. 5758

(H) The judgment rendered by the court under this chapter 5759
shall not impose any of the civil disabilities ordinarily 5760

imposed by conviction of a crime in that the child is not a 5761
criminal by reason of the adjudication, and no child shall be 5762
charged with or convicted of a crime in any court except as 5763
provided by this chapter. The disposition of a child under the 5764
judgment rendered or any evidence given in court shall not 5765
operate to disqualify a child in any future civil service 5766
examination, appointment, or application. Evidence of a judgment 5767
rendered and the disposition of a child under the judgment is 5768
not admissible to impeach the credibility of the child in any 5769
action or proceeding. Otherwise, the disposition of a child 5770
under the judgment rendered or any evidence given in court is 5771
admissible as evidence for or against the child in any action or 5772
proceeding in any court in accordance with the Rules of Evidence 5773
and also may be considered by any court as to the matter of 5774
sentence or to the granting of probation, and a court may 5775
consider the judgment rendered and the disposition of a child 5776
under that judgment for purposes of determining whether the 5777
child, for a future criminal conviction or guilty plea, is a 5778
repeat violent offender, as defined in section 2929.01 of the 5779
Revised Code. 5780

Sec. 2151.362. (A) (1) In the manner prescribed by division 5781
(C) (1) or (2) of section 3313.64 of the Revised Code, as 5782
applicable, the court, at the time of making any order that 5783
removes a child from the child's own home or that vests legal or 5784
permanent custody of the child in a person other than the 5785
child's parent or a government agency, shall determine the 5786
school district that is to bear the cost of educating the child. 5787
The court shall make the determination a part of the order that 5788
provides for the child's placement or commitment. That school 5789
district shall bear the cost of educating the child unless and 5790
until the department of education and workforce determines that 5791

a different district shall be responsible for bearing that cost 5792
pursuant to division (A) (2) of this section. The court's order 5793
shall state that the determination of which school district is 5794
responsible to bear the cost of educating the child is subject 5795
to re-determination by the department pursuant to that division. 5796

(2) If, while the child is in the custody of a person 5797
other than the child's parent or a government agency, the 5798
department of education and workforce determines that the place 5799
of residence of the child's parent has changed since the court 5800
issued its initial order, the department may name a different 5801
school district to bear the cost of educating the child. The 5802
department shall make this new determination, and any future 5803
determinations, based on evidence received from the school 5804
district currently responsible to bear the cost of educating the 5805
child. If the department finds that the evidence demonstrates to 5806
its satisfaction that the residence of the child's parent has 5807
changed since the court issued its initial order under division 5808
(A) (1) of this section, or since the department last made a 5809
determination under division (A) (2) of this section, the 5810
department shall name the district in which the child's parent 5811
currently resides or, if the parent's residence is not known, 5812
the district in which the parent's last known residence is 5813
located. If the department cannot determine any Ohio district in 5814
which the parent currently resides or has resided, the school 5815
district designated in the initial court order under division 5816
(A) (1) of this section, or in the most recent determination made 5817
by the department under division (A) (2) of this section, shall 5818
continue to bear the cost of educating the child. 5819

(B) Whenever a child is placed in a detention facility 5820
established under section 2152.41 of the Revised Code or a 5821
juvenile facility established under section 2151.65 of the 5822

Revised Code, the facility shall be responsible for coordinating 5823
the education of the child. The facility may take any of the 5824
following measures in coordinating the education of the child: 5825

(1) If applicable, use the chartered nonpublic school that 5826
the facility operates; 5827

(2) Arrange with the school district responsible for 5828
bearing the cost of educating the child determined under 5829
division (A) of this section, for the facility to educate the 5830
child on its own; 5831

(3) Contract with an educational service center for the 5832
service center to educate the child; 5833

(4) Contract with the school district in which the 5834
facility is located for that school district to educate the 5835
child; 5836

(5) If the child is enrolled in an internet- or computer- 5837
based community school established under Chapter 3314. of the 5838
Revised Code, and provided that the facility possesses the 5839
necessary hardware, software, and internet connectivity, permit 5840
continued instruction of the child by the internet- or computer- 5841
based community school. 5842

If the facility coordinates the education of the child 5843
pursuant to division (B) (1), (2), (3), or (4) of this section, 5844
child's school district as determined by the court or the 5845
department, in the same manner as prescribed in division (A) of 5846
this section, shall pay the cost of educating the child based on 5847
the per capita cost of the educational facility within the 5848
detention home or juvenile facility. 5849

If the facility coordinates the education of the child 5850
pursuant to division (B) (5) of this section, payment for the 5851

cost of educating the child shall be made only as provided in 5852
section 3317.022 of the Revised Code. 5853

(C) Whenever a child is placed by the court in a private 5854
institution, school, or residential treatment center or any 5855
other private facility, the state shall pay to the court a 5856
subsidy to help defray the expense of educating the child in an 5857
amount equal to the product of the daily per capita educational 5858
cost of the private facility, as determined pursuant to this 5859
section, and the number of days the child resides at the private 5860
facility, provided that the subsidy shall not exceed twenty-five 5861
hundred dollars per year per child. The daily per capita 5862
educational cost of a private facility shall be determined by 5863
dividing the actual program cost of the private facility or 5864
twenty-five hundred dollars, whichever is less, by three hundred 5865
sixty-five days or by three hundred sixty-six days for years 5866
that include February twenty-ninth. The state shall pay seventy- 5867
five per cent of the total subsidy for each year quarterly to 5868
the court. The state may adjust the remaining twenty-five per 5869
cent of the total subsidy to be paid to the court for each year 5870
to an amount that is less than twenty-five per cent of the total 5871
subsidy for that year based upon the availability of funds 5872
appropriated to the department of education and workforce for 5873
the purpose of subsidizing courts that place a child in a 5874
private institution, school, or residential treatment center or 5875
any other private facility and shall pay that adjusted amount to 5876
the court at the end of the year. 5877

Sec. 2305.111. (A) As used in this section: 5878

(1) "Childhood sexual abuse" means any conduct that 5879
constitutes any of the violations identified in division (A)(1) 5880
(a) or (b) of this section and would constitute a criminal 5881

offense under the specified section or division of the Revised Code, if the victim of the violation is at the time of the violation a child under eighteen years of age or a child with a developmental disability or physical impairment under twenty-one years of age. The court need not find that any person has been convicted of or pleaded guilty to the offense under the specified section or division of the Revised Code in order for the conduct that is the violation constituting the offense to be childhood sexual abuse for purposes of this division. This division applies to any of the following violations committed in the following specified circumstances:

(a) A violation of section 2907.02 or of division (A) (1), (5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 of the Revised Code;

(b) A violation of section 2907.05 or 2907.06 of the Revised Code if, at the time of the violation, any of the following apply:

(i) The actor is the victim's natural parent, adoptive parent, or stepparent or the guardian, custodian, or person in loco parentis of the victim.

(ii) The victim is in custody of law or a patient in a hospital or other institution, and the actor has supervisory or disciplinary authority over the victim.

(iii) The actor is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the ~~state board~~ director of education and workforce prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the victim is enrolled in or attends that school, and the actor is not enrolled in and does

not attend that school. 5911

(iv) The actor is a teacher, administrator, coach, or 5912
other person in authority employed by or serving in an 5913
institution of higher education, and the victim is enrolled in 5914
or attends that institution. 5915

(v) The actor is the victim's athletic or other type of 5916
coach, is the victim's instructor, is the leader of a scouting 5917
troop of which the victim is a member, or is a person with 5918
temporary or occasional disciplinary control over the victim. 5919

(vi) The actor is a mental health professional, the victim 5920
is a mental health client or patient of the actor, and the actor 5921
induces the victim to submit by falsely representing to the 5922
victim that the sexual contact involved in the violation is 5923
necessary for mental health treatment purposes. 5924

(vii) The victim is confined in a detention facility, and 5925
the actor is an employee of that detention facility. 5926

(viii) The actor is a cleric, and the victim is a member 5927
of, or attends, the church or congregation served by the cleric. 5928

(2) "Cleric" has the same meaning as in section 2317.02 of 5929
the Revised Code. 5930

(3) "Mental health client or patient" has the same meaning 5931
as in section 2305.51 of the Revised Code. 5932

(4) "Mental health professional" has the same meaning as 5933
in section 2305.115 of the Revised Code. 5934

(5) "Sexual contact" has the same meaning as in section 5935
2907.01 of the Revised Code. 5936

(6) "Victim" means, except as provided in division (B) of 5937

this section, a victim of childhood sexual abuse. 5938

(B) Except as provided in section 2305.115 of the Revised 5939
Code and subject to division (C) of this section, an action for 5940
assault or battery shall be brought within one year after the 5941
cause of the action accrues. For purposes of this section, a 5942
cause of action for assault or battery accrues upon the later of 5943
the following: 5944

(1) The date on which the alleged assault or battery 5945
occurred; 5946

(2) If the plaintiff did not know the identity of the 5947
person who allegedly committed the assault or battery on the 5948
date on which it allegedly occurred, the earlier of the 5949
following dates: 5950

(a) The date on which the plaintiff learns the identity of 5951
that person; 5952

(b) The date on which, by the exercise of reasonable 5953
diligence, the plaintiff should have learned the identity of 5954
that person. 5955

(C) An action for assault or battery brought by a victim 5956
of childhood sexual abuse based on childhood sexual abuse, or an 5957
action brought by a victim of childhood sexual abuse asserting 5958
any claim resulting from childhood sexual abuse, shall be 5959
brought within twelve years after the cause of action accrues. 5960
For purposes of this section, a cause of action for assault or 5961
battery based on childhood sexual abuse, or a cause of action 5962
for a claim resulting from childhood sexual abuse, accrues upon 5963
the date on which the victim reaches the age of majority. If the 5964
defendant in an action brought by a victim of childhood sexual 5965
abuse asserting a claim resulting from childhood sexual abuse 5966

that occurs on or after August 3, 2006, has fraudulently 5967
concealed from the plaintiff facts that form the basis of the 5968
claim, the running of the limitations period with regard to that 5969
claim is tolled until the time when the plaintiff discovers or 5970
in the exercise of due diligence should have discovered those 5971
facts. 5972

Sec. 2901.01. (A) As used in the Revised Code: 5973

(1) "Force" means any violence, compulsion, or constraint 5974
physically exerted by any means upon or against a person or 5975
thing. 5976

(2) "Deadly force" means any force that carries a 5977
substantial risk that it will proximately result in the death of 5978
any person. 5979

(3) "Physical harm to persons" means any injury, illness, 5980
or other physiological impairment, regardless of its gravity or 5981
duration. 5982

(4) "Physical harm to property" means any tangible or 5983
intangible damage to property that, in any degree, results in 5984
loss to its value or interferes with its use or enjoyment. 5985
"Physical harm to property" does not include wear and tear 5986
occasioned by normal use. 5987

(5) "Serious physical harm to persons" means any of the 5988
following: 5989

(a) Any mental illness or condition of such gravity as 5990
would normally require hospitalization or prolonged psychiatric 5991
treatment; 5992

(b) Any physical harm that carries a substantial risk of 5993
death; 5994

(c) Any physical harm that involves some permanent 5995
incapacity, whether partial or total, or that involves some 5996
temporary, substantial incapacity; 5997

(d) Any physical harm that involves some permanent 5998
disfigurement or that involves some temporary, serious 5999
disfigurement; 6000

(e) Any physical harm that involves acute pain of such 6001
duration as to result in substantial suffering or that involves 6002
any degree of prolonged or intractable pain. 6003

(6) "Serious physical harm to property" means any physical 6004
harm to property that does either of the following: 6005

(a) Results in substantial loss to the value of the 6006
property or requires a substantial amount of time, effort, or 6007
money to repair or replace; 6008

(b) Temporarily prevents the use or enjoyment of the 6009
property or substantially interferes with its use or enjoyment 6010
for an extended period of time. 6011

(7) "Risk" means a significant possibility, as contrasted 6012
with a remote possibility, that a certain result may occur or 6013
that certain circumstances may exist. 6014

(8) "Substantial risk" means a strong possibility, as 6015
contrasted with a remote or significant possibility, that a 6016
certain result may occur or that certain circumstances may 6017
exist. 6018

(9) "Offense of violence" means any of the following: 6019

(a) A violation of section 2903.01, 2903.02, 2903.03, 6020
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.18, 2903.21, 6021
2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 6022

2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 6023
2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2917.321, 2919.25, 6024
2921.03, 2921.04, 2921.34, or 2923.161, of division (A) (1) of 6025
section 2903.34, of division (A) (1), (2), or (3) of section 6026
2911.12, or of division (B) (1), (2), (3), or (4) of section 6027
2919.22 of the Revised Code or felonious sexual penetration in 6028
violation of former section 2907.12 of the Revised Code; 6029

(b) A violation of an existing or former municipal 6030
ordinance or law of this or any other state or the United 6031
States, substantially equivalent to any section, division, or 6032
offense listed in division (A) (9) (a) of this section; 6033

(c) An offense, other than a traffic offense, under an 6034
existing or former municipal ordinance or law of this or any 6035
other state or the United States, committed purposely or 6036
knowingly, and involving physical harm to persons or a risk of 6037
serious physical harm to persons; 6038

(d) A conspiracy or attempt to commit, or complicity in 6039
committing, any offense under division (A) (9) (a), (b), or (c) of 6040
this section; 6041

(e) A violation of division (C) of section 959.131 of the 6042
Revised Code. 6043

(10) (a) "Property" means any property, real or personal, 6044
tangible or intangible, and any interest or license in that 6045
property. "Property" includes, but is not limited to, cable 6046
television service, other telecommunications service, 6047
telecommunications devices, information service, computers, 6048
data, computer software, financial instruments associated with 6049
computers, other documents associated with computers, or copies 6050
of the documents, whether in machine or human readable form, 6051

trade secrets, trademarks, copyrights, patents, and property 6052
protected by a trademark, copyright, or patent. "Financial 6053
instruments associated with computers" include, but are not 6054
limited to, checks, drafts, warrants, money orders, notes of 6055
indebtedness, certificates of deposit, letters of credit, bills 6056
of credit or debit cards, financial transaction authorization 6057
mechanisms, marketable securities, or any computer system 6058
representations of any of them. 6059

(b) As used in division (A)(10) of this section, "trade 6060
secret" has the same meaning as in section 1333.61 of the 6061
Revised Code, and "telecommunications service" and "information 6062
service" have the same meanings as in section 2913.01 of the 6063
Revised Code. 6064

(c) As used in divisions (A)(10) and (13) of this section, 6065
"cable television service," "computer," "computer software," 6066
"computer system," "computer network," "data," and 6067
"telecommunications device" have the same meanings as in section 6068
2913.01 of the Revised Code. 6069

(11) "Law enforcement officer" means any of the following: 6070

(a) A sheriff, deputy sheriff, constable, police officer 6071
of a township or joint police district, marshal, deputy marshal, 6072
municipal police officer, member of a police force employed by a 6073
metropolitan housing authority under division (D) of section 6074
3735.31 of the Revised Code, or state highway patrol trooper; 6075

(b) An officer, agent, or employee of the state or any of 6076
its agencies, instrumentalities, or political subdivisions, upon 6077
whom, by statute, a duty to conserve the peace or to enforce all 6078
or certain laws is imposed and the authority to arrest violators 6079
is conferred, within the limits of that statutory duty and 6080

authority; 6081

(c) A mayor, in the mayor's capacity as chief conservator 6082
of the peace within the mayor's municipal corporation; 6083

(d) A member of an auxiliary police force organized by 6084
county, township, or municipal law enforcement authorities, 6085
within the scope of the member's appointment or commission; 6086

(e) A person lawfully called pursuant to section 311.07 of 6087
the Revised Code to aid a sheriff in keeping the peace, for the 6088
purposes and during the time when the person is called; 6089

(f) A person appointed by a mayor pursuant to section 6090
737.10 of the Revised Code as a special patrolling officer 6091
during riot or emergency, for the purposes and during the time 6092
when the person is appointed; 6093

(g) A member of the organized militia of this state or the 6094
armed forces of the United States, lawfully called to duty to 6095
aid civil authorities in keeping the peace or protect against 6096
domestic violence; 6097

(h) A prosecuting attorney, assistant prosecuting 6098
attorney, secret service officer, or municipal prosecutor; 6099

(i) A veterans' home police officer appointed under 6100
section 5907.02 of the Revised Code; 6101

(j) A member of a police force employed by a regional 6102
transit authority under division (Y) of section 306.35 of the 6103
Revised Code; 6104

(k) A special police officer employed by a port authority 6105
under section 4582.04 or 4582.28 of the Revised Code; 6106

(l) The house of representatives sergeant at arms if the 6107

house of representatives sergeant at arms has arrest authority 6108
pursuant to division (E) (1) of section 101.311 of the Revised 6109
Code and an assistant house of representatives sergeant at arms; 6110

(m) The senate sergeant at arms and an assistant senate 6111
sergeant at arms; 6112

(n) A special police officer employed by a municipal 6113
corporation at a municipal airport, or other municipal air 6114
navigation facility, that has scheduled operations, as defined 6115
in section 119.3 of Title 14 of the Code of Federal Regulations, 6116
14 C.F.R. 119.3, as amended, and that is required to be under a 6117
security program and is governed by aviation security rules of 6118
the transportation security administration of the United States 6119
department of transportation as provided in Parts 1542. and 6120
1544. of Title 49 of the Code of Federal Regulations, as 6121
amended. 6122

(12) "Privilege" means an immunity, license, or right 6123
conferred by law, bestowed by express or implied grant, arising 6124
out of status, position, office, or relationship, or growing out 6125
of necessity. 6126

(13) "Contraband" means any property that is illegal for a 6127
person to acquire or possess under a statute, ordinance, or 6128
rule, or that a trier of fact lawfully determines to be illegal 6129
to possess by reason of the property's involvement in an 6130
offense. "Contraband" includes, but is not limited to, all of 6131
the following: 6132

(a) Any controlled substance, as defined in section 6133
3719.01 of the Revised Code, or any device or paraphernalia; 6134

(b) Any unlawful gambling device or paraphernalia; 6135

(c) Any dangerous ordnance or obscene material. 6136

(14) A person is "not guilty by reason of insanity" 6137
relative to a charge of an offense only if the person proves, in 6138
the manner specified in section 2901.05 of the Revised Code, 6139
that at the time of the commission of the offense, the person 6140
did not know, as a result of a severe mental disease or defect, 6141
the wrongfulness of the person's acts. 6142

(B) (1) (a) Subject to division (B) (2) of this section, as 6143
used in any section contained in Title XXIX of the Revised Code 6144
that sets forth a criminal offense, "person" includes all of the 6145
following: 6146

(i) An individual, corporation, business trust, estate, 6147
trust, partnership, and association; 6148

(ii) An unborn human who is viable. 6149

(b) As used in any section contained in Title XXIX of the 6150
Revised Code that does not set forth a criminal offense, 6151
"person" includes an individual, corporation, business trust, 6152
estate, trust, partnership, and association. 6153

(c) As used in division (B) (1) (a) of this section: 6154

(i) "Unborn human" means an individual organism of the 6155
species *Homo sapiens* from fertilization until live birth. 6156

(ii) "Viable" means the stage of development of a human 6157
fetus at which there is a realistic possibility of maintaining 6158
and nourishing of a life outside the womb with or without 6159
temporary artificial life-sustaining support. 6160

(2) Notwithstanding division (B) (1) (a) of this section, in 6161
no case shall the portion of the definition of the term "person" 6162
that is set forth in division (B) (1) (a) (ii) of this section be 6163
applied or construed in any section contained in Title XXIX of 6164

the Revised Code that sets forth a criminal offense in any of 6165
the following manners: 6166

(a) Except as otherwise provided in division (B) (2) (a) of 6167
this section, in a manner so that the offense prohibits or is 6168
construed as prohibiting any pregnant woman or her physician 6169
from performing an abortion with the consent of the pregnant 6170
woman, with the consent of the pregnant woman implied by law in 6171
a medical emergency, or with the approval of one otherwise 6172
authorized by law to consent to medical treatment on behalf of 6173
the pregnant woman. An abortion that violates the conditions 6174
described in the immediately preceding sentence may be punished 6175
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 6176
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 6177
2903.21, or 2903.22 of the Revised Code, as applicable. An 6178
abortion that does not violate the conditions described in the 6179
second immediately preceding sentence, but that does violate 6180
section 2919.12, division (B) of section 2919.13, or section 6181
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 6182
be punished as a violation of section 2919.12, division (B) of 6183
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 6184
2919.18 of the Revised Code, as applicable. Consent is 6185
sufficient under this division if it is of the type otherwise 6186
adequate to permit medical treatment to the pregnant woman, even 6187
if it does not comply with section 2919.12 of the Revised Code. 6188

(b) In a manner so that the offense is applied or is 6189
construed as applying to a woman based on an act or omission of 6190
the woman that occurs while she is or was pregnant and that 6191
results in any of the following: 6192

(i) Her delivery of a stillborn baby; 6193

(ii) Her causing, in any other manner, the death in utero 6194

of a viable, unborn human that she is carrying; 6195

(iii) Her causing the death of her child who is born alive 6196
but who dies from one or more injuries that are sustained while 6197
the child is a viable, unborn human; 6198

(iv) Her causing her child who is born alive to sustain 6199
one or more injuries while the child is a viable, unborn human; 6200

(v) Her causing, threatening to cause, or attempting to 6201
cause, in any other manner, an injury, illness, or other 6202
physiological impairment, regardless of its duration or gravity, 6203
or a mental illness or condition, regardless of its duration or 6204
gravity, to a viable, unborn human that she is carrying. 6205

(C) As used in Title XXIX of the Revised Code: 6206

(1) "School safety zone" consists of a school, school 6207
building, school premises, school activity, and school bus. 6208

(2) "School," "school building," and "school premises" 6209
have the same meanings as in section 2925.01 of the Revised 6210
Code. 6211

(3) "School activity" means any activity held under the 6212
auspices of a board of education of a city, local, exempted 6213
village, joint vocational, or cooperative education school 6214
district; a governing authority of a community school 6215
established under Chapter 3314. of the Revised Code; a governing 6216
board of an educational service center, or the governing body of 6217
a school for which the ~~state board~~ director of education and 6218
workforce prescribes minimum standards under section 3301.07 of 6219
the Revised Code. 6220

(4) "School bus" has the same meaning as in section 6221
4511.01 of the Revised Code. 6222

Sec. 2903.13. (A) No person shall knowingly cause or 6223
attempt to cause physical harm to another or to another's 6224
unborn. 6225

(B) No person shall recklessly cause serious physical harm 6226
to another or to another's unborn. 6227

(C) (1) Whoever violates this section is guilty of assault, 6228
and the court shall sentence the offender as provided in this 6229
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 6230
(8), (9), and (10) of this section. Except as otherwise provided 6231
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 6232
section, assault is a misdemeanor of the first degree. 6233

(2) Except as otherwise provided in this division, if the 6234
offense is committed by a caretaker against a person with a 6235
functional impairment under the caretaker's care, assault is a 6236
felony of the fourth degree. If the offense is committed by a 6237
caretaker against a person with a functional impairment under 6238
the caretaker's care, if the offender previously has been 6239
convicted of or pleaded guilty to a violation of this section or 6240
section 2903.11 or 2903.16 of the Revised Code, and if in 6241
relation to the previous conviction the offender was a caretaker 6242
and the victim was a person with a functional impairment under 6243
the offender's care, assault is a felony of the third degree. 6244

(3) If the offense occurs in or on the grounds of a state 6245
correctional institution or an institution of the department of 6246
youth services, the victim of the offense is an employee of the 6247
department of rehabilitation and correction or the department of 6248
youth services, and the offense is committed by a person 6249
incarcerated in the state correctional institution or by a 6250
person institutionalized in the department of youth services 6251
institution pursuant to a commitment to the department of youth 6252

services, assault is a felony of the third degree. 6253

(4) If the offense is committed in any of the following 6254
circumstances, assault is a felony of the fifth degree: 6255

(a) The offense occurs in or on the grounds of a local 6256
correctional facility, the victim of the offense is an employee 6257
of the local correctional facility or a probation department or 6258
is on the premises of the facility for business purposes or as a 6259
visitor, and the offense is committed by a person who is under 6260
custody in the facility subsequent to the person's arrest for 6261
any crime or delinquent act, subsequent to the person's being 6262
charged with or convicted of any crime, or subsequent to the 6263
person's being alleged to be or adjudicated a delinquent child. 6264

(b) The offense occurs off the grounds of a state 6265
correctional institution and off the grounds of an institution 6266
of the department of youth services, the victim of the offense 6267
is an employee of the department of rehabilitation and 6268
correction, the department of youth services, or a probation 6269
department, the offense occurs during the employee's official 6270
work hours and while the employee is engaged in official work 6271
responsibilities, and the offense is committed by a person 6272
incarcerated in a state correctional institution or 6273
institutionalized in the department of youth services who 6274
temporarily is outside of the institution for any purpose, by a 6275
parolee, by an offender under transitional control, under a 6276
community control sanction, or on an escorted visit, by a person 6277
under post-release control, or by an offender under any other 6278
type of supervision by a government agency. 6279

(c) The offense occurs off the grounds of a local 6280
correctional facility, the victim of the offense is an employee 6281
of the local correctional facility or a probation department, 6282

the offense occurs during the employee's official work hours and 6283
while the employee is engaged in official work responsibilities, 6284
and the offense is committed by a person who is under custody in 6285
the facility subsequent to the person's arrest for any crime or 6286
delinquent act, subsequent to the person being charged with or 6287
convicted of any crime, or subsequent to the person being 6288
alleged to be or adjudicated a delinquent child and who 6289
temporarily is outside of the facility for any purpose or by a 6290
parolee, by an offender under transitional control, under a 6291
community control sanction, or on an escorted visit, by a person 6292
under post-release control, or by an offender under any other 6293
type of supervision by a government agency. 6294

(d) The victim of the offense is a school teacher or 6295
administrator or a school bus operator, and the offense occurs 6296
in a school, on school premises, in a school building, on a 6297
school bus, or while the victim is outside of school premises or 6298
a school bus and is engaged in duties or official 6299
responsibilities associated with the victim's employment or 6300
position as a school teacher or administrator or a school bus 6301
operator, including, but not limited to, driving, accompanying, 6302
or chaperoning students at or on class or field trips, athletic 6303
events, or other school extracurricular activities or functions 6304
outside of school premises. 6305

(5) If the assault is committed in any of the following 6306
circumstances, assault is a felony of the fourth degree: 6307

(a) The victim of the offense is a peace officer or an 6308
investigator of the bureau of criminal identification and 6309
investigation, a firefighter, or a person performing emergency 6310
medical service, while in the performance of the officer's, 6311
investigator's, firefighter's, or person's official duties. 6312

(b) The victim of the offense is an emergency service responder, the offender knows or reasonably should know that the victim is an emergency service responder, and it is the offender's specific purpose to commit the offense against an emergency service responder. 6313
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(c) The victim of the offense is a family or household member or co-worker of a person who is an emergency service responder, the offender knows or reasonably should know that the victim is a family or household member or co-worker of an emergency service responder, and it is the offender's specific purpose to commit the offense against a family or household member or co-worker of an emergency service responder. 6318
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(6) If the offense is a felony of the fourth degree under division (C) (5) (a) of this section, if the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, the court, pursuant to division (F) of section 2929.13 of the Revised Code, shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the fourth degree that is at least twelve months in duration. 6325
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(7) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, assault is either a felony of the fifth degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and 6334
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that prior offense related to the officer's or employee's 6343
performance or anticipated performance of official 6344
responsibilities or duties, a felony of the fourth degree. 6345

(8) If the victim of the offense is a health care 6346
professional of a hospital, a health care worker of a hospital, 6347
or a security officer of a hospital whom the offender knows or 6348
has reasonable cause to know is a health care professional of a 6349
hospital, a health care worker of a hospital, or a security 6350
officer of a hospital, if the victim is engaged in the 6351
performance of the victim's duties, and if the hospital offers 6352
de-escalation or crisis intervention training for such 6353
professionals, workers, or officers, assault is one of the 6354
following: 6355

(a) Except as otherwise provided in division (C) (8) (b) of 6356
this section, assault committed in the specified circumstances 6357
is a misdemeanor of the first degree. Notwithstanding the fine 6358
specified in division (A) (2) (a) of section 2929.28 of the 6359
Revised Code for a misdemeanor of the first degree, in 6360
sentencing the offender under this division and if the court 6361
decides to impose a fine, the court may impose upon the offender 6362
a fine of not more than five thousand dollars. 6363

(b) If the offender previously has been convicted of or 6364
pleaded guilty to one or more assault or homicide offenses 6365
committed against hospital personnel, assault committed in the 6366
specified circumstances is a felony of the fifth degree. 6367

(9) If the victim of the offense is a judge, magistrate, 6368
prosecutor, or court official or employee whom the offender 6369
knows or has reasonable cause to know is a judge, magistrate, 6370
prosecutor, or court official or employee, and if the victim is 6371
engaged in the performance of the victim's duties, assault is 6372

one of the following: 6373

(a) Except as otherwise provided in division (C) (9) (b) of 6374
this section, assault committed in the specified circumstances 6375
is a misdemeanor of the first degree. In sentencing the offender 6376
under this division, if the court decides to impose a fine, 6377
notwithstanding the fine specified in division (A) (2) (a) of 6378
section 2929.28 of the Revised Code for a misdemeanor of the 6379
first degree, the court may impose upon the offender a fine of 6380
not more than five thousand dollars. 6381

(b) If the offender previously has been convicted of or 6382
pleaded guilty to one or more assault or homicide offenses 6383
committed against justice system personnel, assault committed in 6384
the specified circumstances is a felony of the fifth degree. 6385

(10) If an offender who is convicted of or pleads guilty 6386
to assault when it is a misdemeanor also is convicted of or 6387
pleads guilty to a specification as described in section 6388
2941.1423 of the Revised Code that was included in the 6389
indictment, count in the indictment, or information charging the 6390
offense, the court shall sentence the offender to a mandatory 6391
jail term as provided in division (F) of section 2929.24 of the 6392
Revised Code. 6393

If an offender who is convicted of or pleads guilty to 6394
assault when it is a felony also is convicted of or pleads 6395
guilty to a specification as described in section 2941.1423 of 6396
the Revised Code that was included in the indictment, count in 6397
the indictment, or information charging the offense, except as 6398
otherwise provided in division (C) (6) of this section, the court 6399
shall sentence the offender to a mandatory prison term as 6400
provided in division (B) (8) of section 2929.14 of the Revised 6401
Code. 6402

(D) A prosecution for a violation of this section does not 6403
preclude a prosecution of a violation of any other section of 6404
the Revised Code. One or more acts, a series of acts, or a 6405
course of behavior that can be prosecuted under this section or 6406
any other section of the Revised Code may be prosecuted under 6407
this section, the other section of the Revised Code, or both 6408
sections. However, if an offender is convicted of or pleads 6409
guilty to a violation of this section and also is convicted of 6410
or pleads guilty to a violation of section 2903.22 of the 6411
Revised Code based on the same conduct involving the same victim 6412
that was the basis of the violation of this section, the two 6413
offenses are allied offenses of similar import under section 6414
2941.25 of the Revised Code. 6415

(E) As used in this section: 6416

(1) "Peace officer" has the same meaning as in section 6417
2935.01 of the Revised Code. 6418

(2) "Firefighter" means any person who is a firefighter as 6419
defined in section 3937.41 of the Revised Code and, for purposes 6420
of division (E) (21) of this section, also includes a member of a 6421
fire department as defined in section 742.01 of the Revised 6422
Code. 6423

(3) "Emergency medical service" has the same meaning as in 6424
section 4765.01 of the Revised Code. 6425

(4) "Local correctional facility" means a county, 6426
multicounty, municipal, municipal-county, or multicounty- 6427
municipal jail or workhouse, a minimum security jail established 6428
under section 341.23 or 753.21 of the Revised Code, or another 6429
county, multicounty, municipal, municipal-county, or 6430
multicounty-municipal facility used for the custody of persons 6431

arrested for any crime or delinquent act, persons charged with 6432
or convicted of any crime, or persons alleged to be or 6433
adjudicated a delinquent child. 6434

(5) "Employee of a local correctional facility" means a 6435
person who is an employee of the political subdivision or of one 6436
or more of the affiliated political subdivisions that operates 6437
the local correctional facility and who operates or assists in 6438
the operation of the facility. 6439

(6) "School teacher or administrator" means either of the 6440
following: 6441

(a) A person who is employed in the public schools of the 6442
state under a contract described in section 3311.77 or 3319.08 6443
of the Revised Code in a position in which the person is 6444
required to have a certificate issued pursuant to sections 6445
3319.22 to 3319.311 of the Revised Code. 6446

(b) A person who is employed by a nonpublic school for 6447
which the ~~state board director~~ of education and workforce 6448
prescribes minimum standards under section 3301.07 of the 6449
Revised Code and who is certificated in accordance with section 6450
3301.071 of the Revised Code. 6451

(7) "Community control sanction" has the same meaning as 6452
in section 2929.01 of the Revised Code. 6453

(8) "Escorted visit" means an escorted visit granted under 6454
section 2967.27 of the Revised Code. 6455

(9) "Post-release control" and "transitional control" have 6456
the same meanings as in section 2967.01 of the Revised Code. 6457

(10) "Investigator of the bureau of criminal 6458
identification and investigation" has the same meaning as in 6459

section 2903.11 of the Revised Code. 6460

(11) "Health care professional" and "health care worker" 6461
have the same meanings as in section 2305.234 of the Revised 6462
Code. 6463

(12) "Assault or homicide offense committed against 6464
hospital personnel" means a violation of this section or of 6465
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 6466
2903.12, or 2903.14 of the Revised Code committed in 6467
circumstances in which all of the following apply: 6468

(a) The victim of the offense was a health care 6469
professional of a hospital, a health care worker of a hospital, 6470
or a security officer of a hospital. 6471

(b) The offender knew or had reasonable cause to know that 6472
the victim was a health care professional of a hospital, a 6473
health care worker of a hospital, or a security officer of a 6474
hospital. 6475

(c) The victim was engaged in the performance of the 6476
victim's duties. 6477

(d) The hospital offered de-escalation or crisis 6478
intervention training for such professionals, workers, or 6479
officers. 6480

(13) "De-escalation or crisis intervention training" means 6481
de-escalation or crisis intervention training for health care 6482
professionals of a hospital, health care workers of a hospital, 6483
and security officers of a hospital to facilitate interaction 6484
with patients, members of a patient's family, and visitors, 6485
including those with mental impairments. 6486

(14) "Assault or homicide offense committed against 6487

justice system personnel" means a violation of this section or 6488
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 6489
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 6490
circumstances in which the victim of the offense was a judge, 6491
magistrate, prosecutor, or court official or employee whom the 6492
offender knew or had reasonable cause to know was a judge, 6493
magistrate, prosecutor, or court official or employee, and the 6494
victim was engaged in the performance of the victim's duties. 6495

(15) "Court official or employee" means any official or 6496
employee of a court created under the constitution or statutes 6497
of this state or of a United States court located in this state. 6498

(16) "Judge" means a judge of a court created under the 6499
constitution or statutes of this state or of a United States 6500
court located in this state. 6501

(17) "Magistrate" means an individual who is appointed by 6502
a court of record of this state and who has the powers and may 6503
perform the functions specified in Civil Rule 53, Criminal Rule 6504
19, or Juvenile Rule 40, or an individual who is appointed by a 6505
United States court located in this state who has similar powers 6506
and functions. 6507

(18) "Prosecutor" has the same meaning as in section 6508
2935.01 of the Revised Code. 6509

(19) (a) "Hospital" means, subject to division (E) (19) (b) 6510
of this section, an institution classified as a hospital under 6511
section 3701.01 of the Revised Code in which are provided to 6512
patients diagnostic, medical, surgical, obstetrical, 6513
psychiatric, or rehabilitation care or a hospital operated by a 6514
health maintenance organization. 6515

(b) "Hospital" does not include any of the following: 6516

(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health and addiction services or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice;

(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code.

(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code.

(21) "Emergency service responder" means any law enforcement officer, first responder, emergency medical technician-basic, emergency medical technician-intermediate, emergency medical technician-paramedic, firefighter, or volunteer firefighter.

(22) "Family or household member" means any of the following:

(a) Any of the following who is residing or has resided with a person who is employed as an emergency service responder:

(i) A spouse, a person living as a spouse, or a former

spouse of a person who is employed as an emergency service responder; 6546
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(ii) A parent, a foster parent, or a child of a person who is employed as an emergency service responder, or another person related by consanguinity or affinity to a person who is employed as an emergency service responder; 6548
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(iii) A parent or a child of a spouse, person living as a spouse, or former spouse of a person who is employed as an emergency service responder, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of a person who is employed as an emergency service responder. 6552
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(b) The natural parent of any child of whom a person who is employed as an emergency service responder is the other natural parent or is the putative other natural parent. 6558
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(23) "First responder," "emergency medical technician-basic," "emergency medical technician-intermediate," and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code. 6561
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(24) "Volunteer firefighter" has the same meaning as in section 146.01 of the Revised Code. 6565
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(25) "Person living as a spouse" means a person who is living or has lived with a person who is employed as an emergency service responder in a common law marital relationship, who otherwise is cohabiting with a person who is employed as an emergency service responder, or who otherwise has cohabited with a person who is employed as an emergency service responder within five years prior to the date of the alleged commission of the act in question. 6567
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(26) "Co-worker" means a person who is employed by the organization or entity that is served by a person who is employed as an emergency service responder.

Sec. 2907.03. (A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.

(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.

(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.

(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.

(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.

(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.

(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the ~~state board~~ director of education and workforce prescribes minimum standards pursuant to division (D) of section

3301.07 of the Revised Code, the other person is enrolled in or 6603
attends that school, and the offender is not enrolled in and 6604
does not attend that school. 6605

(8) The other person is a minor, the offender is a 6606
teacher, administrator, coach, or other person in authority 6607
employed by or serving in an institution of higher education, 6608
and the other person is enrolled in or attends that institution. 6609

(9) The other person is a minor, and the offender is the 6610
other person's athletic or other type of coach, is the other 6611
person's instructor, is the leader of a scouting troop of which 6612
the other person is a member, or is a person with temporary or 6613
occasional disciplinary control over the other person. 6614

(10) The offender is a mental health professional, the 6615
other person is a mental health client or patient of the 6616
offender, and the offender induces the other person to submit by 6617
falsely representing to the other person that the sexual conduct 6618
is necessary for mental health treatment purposes. 6619

(11) The other person is confined in a detention facility, 6620
and the offender is an employee of that detention facility. 6621

(12) The other person is a minor, the offender is a 6622
cleric, and the other person is a member of, or attends, the 6623
church or congregation served by the cleric. 6624

(13) The other person is a minor, the offender is a peace 6625
officer, and the offender is more than two years older than the 6626
other person. 6627

(B) Whoever violates this section is guilty of sexual 6628
battery. Except as otherwise provided in this division, sexual 6629
battery is a felony of the third degree. If the other person is 6630
less than thirteen years of age, sexual battery is a felony of 6631

the second degree, and the court shall impose upon the offender 6632
a mandatory prison term equal to one of the definite prison 6633
terms prescribed in division (A) (2) (b) of section 2929.14 of the 6634
Revised Code for a felony of the second degree, except that if 6635
the violation is committed on or after ~~the effective date of~~ 6636
~~this amendment~~ March 22, 2019, the court shall impose as the 6637
minimum prison term for the offense a mandatory prison term that 6638
is one of the minimum terms prescribed in division (A) (2) (a) of 6639
that section for a felony of the second degree. 6640

(C) As used in this section: 6641

(1) "Cleric" has the same meaning as in section 2317.02 of 6642
the Revised Code. 6643

(2) "Detention facility" has the same meaning as in 6644
section 2921.01 of the Revised Code. 6645

(3) "Institution of higher education" means a state 6646
institution of higher education defined in section 3345.011 of 6647
the Revised Code, a private nonprofit college or university 6648
located in this state that possesses a certificate of 6649
authorization issued by the ~~Ohio board chancellor of regents~~ 6650
higher education pursuant to Chapter 1713. of the Revised Code, 6651
or a school certified under Chapter 3332. of the Revised Code. 6652

(4) "Peace officer" has the same meaning as in section 6653
2935.01 of the Revised Code. 6654

Sec. 2917.31. (A) No person shall cause the evacuation of 6655
any public place, or otherwise cause serious public 6656
inconvenience or alarm, by doing any of the following: 6657

(1) Initiating or circulating a report or warning of an 6658
alleged or impending fire, explosion, crime, or other 6659
catastrophe, knowing that such report or warning is false; 6660

(2) Threatening to commit any offense of violence;	6661
(3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.	6662 6663 6664
(B) Division (A) (1) of this section does not apply to any person conducting an authorized fire or emergency drill.	6665 6666
(C) (1) Whoever violates this section is guilty of inducing panic.	6667 6668
(2) Except as otherwise provided in division (C) (3), (4), (5), (6), (7), or (8) of this section, inducing panic is a misdemeanor of the first degree.	6669 6670 6671
(3) Except as otherwise provided in division (C) (4), (5), (6), (7), or (8) of this section, if a violation of this section results in physical harm to any person, inducing panic is a felony of the fourth degree.	6672 6673 6674 6675
(4) Except as otherwise provided in division (C) (5), (6), (7), or (8) of this section, if a violation of this section results in economic harm, the penalty shall be determined as follows:	6676 6677 6678 6679
(a) If the violation results in economic harm of one thousand dollars or more but less than seven thousand five hundred dollars and if division (C) (3) of this section does not apply, inducing panic is a felony of the fifth degree.	6680 6681 6682 6683
(b) If the violation results in economic harm of seven thousand five hundred dollars or more but less than one hundred fifty thousand dollars, inducing panic is a felony of the fourth degree.	6684 6685 6686 6687
(c) If the violation results in economic harm of one	6688

hundred fifty thousand dollars or more, inducing panic is a 6689
felony of the third degree. 6690

(5) If the public place involved in a violation of 6691
division (A) (1) of this section is a school or an institution of 6692
higher education, inducing panic is a felony of the second 6693
degree. 6694

(6) If the violation pertains to a purported, threatened, 6695
or actual use of a weapon of mass destruction, and except as 6696
otherwise provided in division (C) (5), (7), or (8) of this 6697
section, inducing panic is a felony of the fourth degree. 6698

(7) If the violation pertains to a purported, threatened, 6699
or actual use of a weapon of mass destruction, and except as 6700
otherwise provided in division (C) (5) of this section, if a 6701
violation of this section results in physical harm to any 6702
person, inducing panic is a felony of the third degree. 6703

(8) If the violation pertains to a purported, threatened, 6704
or actual use of a weapon of mass destruction, and except as 6705
otherwise provided in division (C) (5) of this section, if a 6706
violation of this section results in economic harm of one 6707
hundred thousand dollars or more, inducing panic is a felony of 6708
the third degree. 6709

(D) (1) It is not a defense to a charge under this section 6710
that pertains to a purported or threatened use of a weapon of 6711
mass destruction that the offender did not possess or have the 6712
ability to use a weapon of mass destruction or that what was 6713
represented to be a weapon of mass destruction was not a weapon 6714
of mass destruction. 6715

(2) Any act that is a violation of this section and any 6716
other section of the Revised Code may be prosecuted under this 6717

section, the other section, or both sections. 6718

(E) As used in this section: 6719

(1) "Economic harm" means any of the following: 6720

(a) All direct, incidental, and consequential pecuniary 6721
harm suffered by a victim as a result of criminal conduct. 6722
"Economic harm" as described in this division includes, but is 6723
not limited to, all of the following: 6724

(i) All wages, salaries, or other compensation lost as a 6725
result of the criminal conduct; 6726

(ii) The cost of all wages, salaries, or other 6727
compensation paid to employees for time those employees are 6728
prevented from working as a result of the criminal conduct; 6729

(iii) The overhead costs incurred for the time that a 6730
business is shut down as a result of the criminal conduct; 6731

(iv) The loss of value to tangible or intangible property 6732
that was damaged as a result of the criminal conduct. 6733

(b) All costs incurred by the state or any political 6734
subdivision as a result of, or in making any response to, the 6735
criminal conduct that constituted the violation of this section 6736
or section 2917.32 of the Revised Code, including, but not 6737
limited to, all costs so incurred by any law enforcement 6738
officers, firefighters, rescue personnel, or emergency medical 6739
services personnel of the state or the political subdivision. 6740

(2) "School" means any school operated by a board of 6741
education or any school for which the ~~state board~~ director of 6742
education and workforce prescribes minimum standards under 6743
section 3301.07 of the Revised Code, whether or not any 6744
instruction, extracurricular activities, or training provided by 6745

the school is being conducted at the time a violation of this 6746
section is committed. 6747

(3) "Weapon of mass destruction" means any of the 6748
following: 6749

(a) Any weapon that is designed or intended to cause death 6750
or serious physical harm through the release, dissemination, or 6751
impact of toxic or poisonous chemicals, or their precursors; 6752

(b) Any weapon involving a disease organism or biological 6753
agent; 6754

(c) Any weapon that is designed to release radiation or 6755
radioactivity at a level dangerous to human life; 6756

(d) Any of the following, except to the extent that the 6757
item or device in question is expressly excepted from the 6758
definition of "destructive device" pursuant to 18 U.S.C. 921(a) 6759
(4) and regulations issued under that section: 6760

(i) Any explosive, incendiary, or poison gas bomb, 6761
grenade, rocket having a propellant charge of more than four 6762
ounces, missile having an explosive or incendiary charge of more 6763
than one-quarter ounce, mine, or similar device; 6764

(ii) Any combination of parts either designed or intended 6765
for use in converting any item or device into any item or device 6766
described in division (E) (3) (d) (i) of this section and from 6767
which an item or device described in that division may be 6768
readily assembled. 6769

(4) "Biological agent" has the same meaning as in section 6770
2917.33 of the Revised Code. 6771

(5) "Emergency medical services personnel" has the same 6772
meaning as in section 2133.21 of the Revised Code. 6773

(6) "Institution of higher education" means any of the 6774
following: 6775

(a) A state university or college as defined in division 6776
(A) (1) of section 3345.12 of the Revised Code, community 6777
college, state community college, university branch, or 6778
technical college; 6779

(b) A private, nonprofit college, university or other 6780
post-secondary institution located in this state that possesses 6781
a certificate of authorization issued by the ~~Ohio board of~~ 6782
~~regents-chancellor of higher education~~ pursuant to Chapter 1713. 6783
of the Revised Code; 6784

(c) A post-secondary institution with a certificate of 6785
registration issued by the state board of career colleges and 6786
schools under Chapter 3332. of the Revised Code. 6787

Sec. 2917.46. (A) No person shall, with intent to identify 6788
a building as a block parent home or building, display the block 6789
parent symbol adopted by the former state board of education 6790
pursuant to former section 3301.076 of the Revised Code prior to 6791
its repeal on July 1, 2007. 6792

(B) No person shall, with intent to identify a building as 6793
a block parent home or building, display a symbol that falsely 6794
gives the appearance of being the block parent symbol adopted by 6795
the former state board of education pursuant to former section 6796
3301.076 of the Revised Code prior to its repeal on July 1, 6797
2007. 6798

(C) No person, with intent to identify a home or building 6799
as a mcgruff house program home or building, shall display the 6800
mcgruff house symbol adopted by the division of criminal justice 6801
services in the state department of public safety pursuant to 6802

section 5502.62 of the Revised Code unless authorized in 6803
accordance with that section, any rule adopted pursuant to that 6804
section, or former section 3313.206 of the Revised Code prior to 6805
its repeal on ~~the effective date of this amendment~~ April 8, 6806
2019. 6807

(D) No person, with intent to identify a home or building 6808
as a mcgruff house program home or building, shall display a 6809
symbol that falsely gives the appearance of being the mcgruff 6810
house symbol adopted by the division of criminal justice 6811
services in the state department of public safety pursuant to 6812
section 5502.62 of the Revised Code or any rule adopted pursuant 6813
to that section. 6814

(E) (1) Whoever violates division (A) or (B) of this 6815
section is guilty of unauthorized use of a block parent symbol, 6816
a minor misdemeanor. 6817

(2) Whoever violates division (C) or (D) of this section 6818
is guilty of unauthorized use of a mcgruff house symbol, a minor 6819
misdemeanor. 6820

Sec. 2923.122. (A) No person shall knowingly convey, or 6821
attempt to convey, a deadly weapon or dangerous ordnance into a 6822
school safety zone. 6823

(B) No person shall knowingly possess a deadly weapon or 6824
dangerous ordnance in a school safety zone. 6825

(C) No person shall knowingly possess an object in a 6826
school safety zone if both of the following apply: 6827

(1) The object is indistinguishable from a firearm, 6828
whether or not the object is capable of being fired. 6829

(2) The person indicates that the person possesses the 6830

object and that it is a firearm, or the person knowingly 6831
displays or brandishes the object and indicates that it is a 6832
firearm. 6833

(D) (1) This section does not apply to any of the 6834
following: 6835

(a) An officer, agent, or employee of this or any other 6836
state or the United States who is authorized to carry deadly 6837
weapons or dangerous ordnance and is acting within the scope of 6838
the officer's, agent's, or employee's duties; 6839

(b) A law enforcement officer who is authorized to carry 6840
deadly weapons or dangerous ordnance; 6841

(c) A security officer employed by a board of education or 6842
governing body of a school during the time that the security 6843
officer is on duty pursuant to that contract of employment; 6844

(d) Any person not described in divisions (D) (1) (a) to (c) 6845
of this section who has written authorization from the board of 6846
education or governing body of a school to convey deadly weapons 6847
or dangerous ordnance into a school safety zone or to possess a 6848
deadly weapon or dangerous ordnance in a school safety zone and 6849
who conveys or possesses the deadly weapon or dangerous ordnance 6850
in accordance with that authorization, provided both of the 6851
following apply: 6852

(i) Either the person has successfully completed the 6853
curriculum, instruction, and training established under section 6854
5502.703 of the Revised Code, or the person has received a 6855
certificate of having satisfactorily completed an approved basic 6856
peace officer training program or is a law enforcement officer; 6857

(ii) The board or governing body has notified the public, 6858
by whatever means the affected school regularly communicates 6859

with the public, that the board or governing body has authorized 6860
one or more persons to go armed within a school operated by the 6861
board or governing authority. 6862

A district board or school governing body that authorizes 6863
a person under division (D) (1) (d) of this section shall require 6864
that person to submit to an annual criminal records check 6865
conducted in the same manner as section 3319.39 or 3319.391 of 6866
the Revised Code. 6867

(e) Any person who is employed in this state, who is 6868
authorized to carry deadly weapons or dangerous ordnance, and 6869
who is subject to and in compliance with the requirements of 6870
section 109.801 of the Revised Code, unless the appointing 6871
authority of the person has expressly specified that the 6872
exemption provided in division (D) (1) (e) of this section does 6873
not apply to the person. 6874

(2) Division (C) of this section does not apply to 6875
premises upon which home schooling is conducted. Division (C) of 6876
this section also does not apply to a school administrator, 6877
teacher, or employee who possesses an object that is 6878
indistinguishable from a firearm for legitimate school purposes 6879
during the course of employment, a student who uses an object 6880
that is indistinguishable from a firearm under the direction of 6881
a school administrator, teacher, or employee, or any other 6882
person who with the express prior approval of a school 6883
administrator possesses an object that is indistinguishable from 6884
a firearm for a legitimate purpose, including the use of the 6885
object in a ceremonial activity, a play, reenactment, or other 6886
dramatic presentation, school safety training, or a ROTC 6887
activity or another similar use of the object. 6888

(3) This section does not apply to a person who conveys or 6889

attempts to convey a handgun into, or possesses a handgun in, a 6890
school safety zone if, at the time of that conveyance, attempted 6891
conveyance, or possession of the handgun, all of the following 6892
apply: 6893

(a) The person does not enter into a school building or 6894
onto school premises and is not at a school activity. 6895

(b) The person has been issued a concealed handgun license 6896
that is valid at the time of the conveyance, attempted 6897
conveyance, or possession or the person is an active duty member 6898
of the armed forces of the United States and is carrying a valid 6899
military identification card and documentation of successful 6900
completion of firearms training that meets or exceeds the 6901
training requirements described in division (G) (1) of section 6902
2923.125 of the Revised Code. 6903

(c) The person is in the school safety zone in accordance 6904
with 18 U.S.C. 922(q) (2) (B) . 6905

(d) The person is not knowingly in a place described in 6906
division (B) (1) or (B) (3) to (8) of section 2923.126 of the 6907
Revised Code. 6908

(4) This section does not apply to a person who conveys or 6909
attempts to convey a handgun into, or possesses a handgun in, a 6910
school safety zone if at the time of that conveyance, attempted 6911
conveyance, or possession of the handgun all of the following 6912
apply: 6913

(a) The person has been issued a concealed handgun license 6914
that is valid at the time of the conveyance, attempted 6915
conveyance, or possession or the person is an active duty member 6916
of the armed forces of the United States and is carrying a valid 6917
military identification card and documentation of successful 6918

completion of firearms training that meets or exceeds the 6919
training requirements described in division (G) (1) of section 6920
2923.125 of the Revised Code. 6921

(b) The person leaves the handgun in a motor vehicle. 6922

(c) The handgun does not leave the motor vehicle. 6923

(d) If the person exits the motor vehicle, the person 6924
locks the motor vehicle. 6925

(E) (1) Whoever violates division (A) or (B) of this 6926
section is guilty of illegal conveyance or possession of a 6927
deadly weapon or dangerous ordnance in a school safety zone. 6928
Except as otherwise provided in this division, illegal 6929
conveyance or possession of a deadly weapon or dangerous 6930
ordnance in a school safety zone is a felony of the fifth 6931
degree. If the offender previously has been convicted of a 6932
violation of this section, illegal conveyance or possession of a 6933
deadly weapon or dangerous ordnance in a school safety zone is a 6934
felony of the fourth degree. 6935

(2) Whoever violates division (C) of this section is 6936
guilty of illegal possession of an object indistinguishable from 6937
a firearm in a school safety zone. Except as otherwise provided 6938
in this division, illegal possession of an object 6939
indistinguishable from a firearm in a school safety zone is a 6940
misdemeanor of the first degree. If the offender previously has 6941
been convicted of a violation of this section, illegal 6942
possession of an object indistinguishable from a firearm in a 6943
school safety zone is a felony of the fifth degree. 6944

(F) (1) In addition to any other penalty imposed upon a 6945
person who is convicted of or pleads guilty to a violation of 6946
this section and subject to division (F) (2) of this section, if 6947

the offender has not attained nineteen years of age, regardless 6948
of whether the offender is attending or is enrolled in a school 6949
operated by a board of education or for which the ~~state board~~ 6950
director of education and workforce prescribes minimum standards 6951
under section 3301.07 of the Revised Code, the court shall 6952
impose upon the offender a class four suspension of the 6953
offender's probationary driver's license, restricted license, 6954
driver's license, commercial driver's license, temporary 6955
instruction permit, or probationary commercial driver's license 6956
that then is in effect from the range specified in division (A) 6957
(4) of section 4510.02 of the Revised Code and shall deny the 6958
offender the issuance of any permit or license of that type 6959
during the period of the suspension. 6960

If the offender is not a resident of this state, the court 6961
shall impose a class four suspension of the nonresident 6962
operating privilege of the offender from the range specified in 6963
division (A) (4) of section 4510.02 of the Revised Code. 6964

(2) If the offender shows good cause why the court should 6965
not suspend one of the types of licenses, permits, or privileges 6966
specified in division (F) (1) of this section or deny the 6967
issuance of one of the temporary instruction permits specified 6968
in that division, the court in its discretion may choose not to 6969
impose the suspension, revocation, or denial required in that 6970
division, but the court, in its discretion, instead may require 6971
the offender to perform community service for a number of hours 6972
determined by the court. 6973

(G) As used in this section, "object that is 6974
indistinguishable from a firearm" means an object made, 6975
constructed, or altered so that, to a reasonable person without 6976
specialized training in firearms, the object appears to be a 6977

firearm. 6978

Sec. 2925.01. As used in this chapter: 6979

(A) "Administer," "controlled substance," "controlled
substance analog," "dispense," "distribute," "hypodermic," 6980
"manufacturer," "official written order," "person," 6981
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 6982
"schedule III," "schedule IV," "schedule V," and "wholesaler" 6983
have the same meanings as in section 3719.01 of the Revised 6984
Code. 6985
6986

(B) "Drug of abuse" and "person with a drug dependency" 6987
have the same meanings as in section 3719.011 of the Revised 6988
Code. 6989

(C) "Drug," "dangerous drug," "licensed health 6990
professional authorized to prescribe drugs," and "prescription" 6991
have the same meanings as in section 4729.01 of the Revised 6992
Code. 6993

(D) "Bulk amount" of a controlled substance means any of 6994
the following: 6995

(1) For any compound, mixture, preparation, or substance 6996
included in schedule I, schedule II, or schedule III, with the 6997
exception of any controlled substance analog, marihuana, 6998
cocaine, L.S.D., heroin, any fentanyl-related compound, and 6999
hashish and except as provided in division (D)(2), (5), or (6) 7000
of this section, whichever of the following is applicable: 7001

(a) An amount equal to or exceeding ten grams or twenty- 7002
five unit doses of a compound, mixture, preparation, or 7003
substance that is or contains any amount of a schedule I opiate 7004
or opium derivative; 7005

(b) An amount equal to or exceeding ten grams of a 7006
compound, mixture, preparation, or substance that is or contains 7007
any amount of raw or gum opium; 7008

(c) An amount equal to or exceeding thirty grams or ten 7009
unit doses of a compound, mixture, preparation, or substance 7010
that is or contains any amount of a schedule I hallucinogen 7011
other than tetrahydrocannabinol or lysergic acid amide, or a 7012
schedule I stimulant or depressant; 7013

(d) An amount equal to or exceeding twenty grams or five 7014
times the maximum daily dose in the usual dose range specified 7015
in a standard pharmaceutical reference manual of a compound, 7016
mixture, preparation, or substance that is or contains any 7017
amount of a schedule II opiate or opium derivative; 7018

(e) An amount equal to or exceeding five grams or ten unit 7019
doses of a compound, mixture, preparation, or substance that is 7020
or contains any amount of phencyclidine; 7021

(f) An amount equal to or exceeding one hundred twenty 7022
grams or thirty times the maximum daily dose in the usual dose 7023
range specified in a standard pharmaceutical reference manual of 7024
a compound, mixture, preparation, or substance that is or 7025
contains any amount of a schedule II stimulant that is in a 7026
final dosage form manufactured by a person authorized by the 7027
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 7028
U.S.C.A. 301, as amended, and the federal drug abuse control 7029
laws, as defined in section 3719.01 of the Revised Code, that is 7030
or contains any amount of a schedule II depressant substance or 7031
a schedule II hallucinogenic substance; 7032

(g) An amount equal to or exceeding three grams of a 7033
compound, mixture, preparation, or substance that is or contains 7034

any amount of a schedule II stimulant, or any of its salts or 7035
isomers, that is not in a final dosage form manufactured by a 7036
person authorized by the Federal Food, Drug, and Cosmetic Act 7037
and the federal drug abuse control laws. 7038

(2) An amount equal to or exceeding one hundred twenty 7039
grams or thirty times the maximum daily dose in the usual dose 7040
range specified in a standard pharmaceutical reference manual of 7041
a compound, mixture, preparation, or substance that is or 7042
contains any amount of a schedule III or IV substance other than 7043
an anabolic steroid or a schedule III opiate or opium 7044
derivative; 7045

(3) An amount equal to or exceeding twenty grams or five 7046
times the maximum daily dose in the usual dose range specified 7047
in a standard pharmaceutical reference manual of a compound, 7048
mixture, preparation, or substance that is or contains any 7049
amount of a schedule III opiate or opium derivative; 7050

(4) An amount equal to or exceeding two hundred fifty 7051
milliliters or two hundred fifty grams of a compound, mixture, 7052
preparation, or substance that is or contains any amount of a 7053
schedule V substance; 7054

(5) An amount equal to or exceeding two hundred solid 7055
dosage units, sixteen grams, or sixteen milliliters of a 7056
compound, mixture, preparation, or substance that is or contains 7057
any amount of a schedule III anabolic steroid; 7058

(6) For any compound, mixture, preparation, or substance 7059
that is a combination of a fentanyl-related compound and any 7060
other compound, mixture, preparation, or substance included in 7061
schedule III, schedule IV, or schedule V, if the defendant is 7062
charged with a violation of section 2925.11 of the Revised Code 7063

and the sentencing provisions set forth in divisions (C) (10) (b) 7064
and (C) (11) of that section will not apply regarding the 7065
defendant and the violation, the bulk amount of the controlled 7066
substance for purposes of the violation is the amount specified 7067
in division (D) (1), (2), (3), (4), or (5) of this section for 7068
the other schedule III, IV, or V controlled substance that is 7069
combined with the fentanyl-related compound. 7070

(E) "Unit dose" means an amount or unit of a compound, 7071
mixture, or preparation containing a controlled substance that 7072
is separately identifiable and in a form that indicates that it 7073
is the amount or unit by which the controlled substance is 7074
separately administered to or taken by an individual. 7075

(F) "Cultivate" includes planting, watering, fertilizing, 7076
or tilling. 7077

(G) "Drug abuse offense" means any of the following: 7078

(1) A violation of division (A) of section 2913.02 that 7079
constitutes theft of drugs, or a violation of section 2925.02, 7080
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 7081
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 7082
or 2925.37 of the Revised Code; 7083

(2) A violation of an existing or former law of this or 7084
any other state or of the United States that is substantially 7085
equivalent to any section listed in division (G) (1) of this 7086
section; 7087

(3) An offense under an existing or former law of this or 7088
any other state, or of the United States, of which planting, 7089
cultivating, harvesting, processing, making, manufacturing, 7090
producing, shipping, transporting, delivering, acquiring, 7091
possessing, storing, distributing, dispensing, selling, inducing 7092

another to use, administering to another, using, or otherwise
dealing with a controlled substance is an element; 7093
7094

(4) A conspiracy to commit, attempt to commit, or
complicity in committing or attempting to commit any offense 7095
under division (G) (1), (2), or (3) of this section. 7096
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(H) "Felony drug abuse offense" means any drug abuse 7098
offense that would constitute a felony under the laws of this 7099
state, any other state, or the United States. 7100

(I) "Harmful intoxicant" does not include beer or 7101
intoxicating liquor but means any of the following: 7102

(1) Any compound, mixture, preparation, or substance the 7103
gas, fumes, or vapor of which when inhaled can induce 7104
intoxication, excitement, giddiness, irrational behavior, 7105
depression, stupefaction, paralysis, unconsciousness, 7106
asphyxiation, or other harmful physiological effects, and 7107
includes, but is not limited to, any of the following: 7108

(a) Any volatile organic solvent, plastic cement, model 7109
cement, fingernail polish remover, lacquer thinner, cleaning 7110
fluid, gasoline, or other preparation containing a volatile 7111
organic solvent; 7112

(b) Any aerosol propellant; 7113

(c) Any fluorocarbon refrigerant; 7114

(d) Any anesthetic gas. 7115

(2) Gamma Butyrolactone; 7116

(3) 1,4 Butanediol. 7117

(J) "Manufacture" means to plant, cultivate, harvest, 7118
process, make, prepare, or otherwise engage in any part of the 7119

production of a drug, by propagation, extraction, chemical 7120
synthesis, or compounding, or any combination of the same, and 7121
includes packaging, repackaging, labeling, and other activities 7122
incident to production. 7123

(K) "Possess" or "possession" means having control over a 7124
thing or substance, but may not be inferred solely from mere 7125
access to the thing or substance through ownership or occupation 7126
of the premises upon which the thing or substance is found. 7127

(L) "Sample drug" means a drug or pharmaceutical 7128
preparation that would be hazardous to health or safety if used 7129
without the supervision of a licensed health professional 7130
authorized to prescribe drugs, or a drug of abuse, and that, at 7131
one time, had been placed in a container plainly marked as a 7132
sample by a manufacturer. 7133

(M) "Standard pharmaceutical reference manual" means the 7134
current edition, with cumulative changes if any, of references 7135
that are approved by the state board of pharmacy. 7136

(N) "Juvenile" means a person under eighteen years of age. 7137

(O) "Counterfeit controlled substance" means any of the 7138
following: 7139

(1) Any drug that bears, or whose container or label 7140
bears, a trademark, trade name, or other identifying mark used 7141
without authorization of the owner of rights to that trademark, 7142
trade name, or identifying mark; 7143

(2) Any unmarked or unlabeled substance that is 7144
represented to be a controlled substance manufactured, 7145
processed, packed, or distributed by a person other than the 7146
person that manufactured, processed, packed, or distributed it; 7147

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 7148
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(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 7151
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(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 7156
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(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the ~~state-~~ ~~board-director~~ of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed. 7163
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(R) "School premises" means either of the following: 7171

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed; 7172
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(2) Any other parcel of real property that is owned or 7177
leased by a board of education of a school, the governing 7178
authority of a community school established under Chapter 3314. 7179
of the Revised Code, or the governing body of a nonpublic school 7180
for which the ~~state board~~ director of education and workforce 7181
prescribes minimum standards under section 3301.07 of the 7182
Revised Code and on which some of the instruction, 7183
extracurricular activities, or training of the school is 7184
conducted, whether or not any instruction, extracurricular 7185
activities, or training provided by the school is being 7186
conducted on the parcel of real property at the time a criminal 7187
offense is committed. 7188

(S) "School building" means any building in which any of 7189
the instruction, extracurricular activities, or training 7190
provided by a school is conducted, whether or not any 7191
instruction, extracurricular activities, or training provided by 7192
the school is being conducted in the school building at the time 7193
a criminal offense is committed. 7194

(T) "Disciplinary counsel" means the disciplinary counsel 7195
appointed by the board of commissioners on grievances and 7196
discipline of the supreme court under the Rules for the 7197
Government of the Bar of Ohio. 7198

(U) "Certified grievance committee" means a duly 7199
constituted and organized committee of the Ohio state bar 7200
association or of one or more local bar associations of the 7201
state of Ohio that complies with the criteria set forth in Rule 7202
V, section 6 of the Rules for the Government of the Bar of Ohio. 7203

(V) "Professional license" means any license, permit, 7204
certificate, registration, qualification, admission, temporary 7205
license, temporary permit, temporary certificate, or temporary 7206

registration that is described in divisions (W) (1) to (37) of 7207
this section and that qualifies a person as a professionally 7208
licensed person. 7209

(W) "Professionally licensed person" means any of the 7210
following: 7211

(1) A person who has received a certificate or temporary 7212
certificate as a certified public accountant or who has 7213
registered as a public accountant under Chapter 4701. of the 7214
Revised Code and who holds an Ohio permit issued under that 7215
chapter; 7216

(2) A person who holds a certificate of qualification to 7217
practice architecture issued or renewed and registered under 7218
Chapter 4703. of the Revised Code; 7219

(3) A person who is registered as a landscape architect 7220
under Chapter 4703. of the Revised Code or who holds a permit as 7221
a landscape architect issued under that chapter; 7222

(4) A person licensed under Chapter 4707. of the Revised 7223
Code; 7224

(5) A person who has been issued a certificate of 7225
registration as a registered barber under Chapter 4709. of the 7226
Revised Code; 7227

(6) A person licensed and regulated to engage in the 7228
business of a debt pooling company by a legislative authority, 7229
under authority of Chapter 4710. of the Revised Code; 7230

(7) A person who has been issued a cosmetologist's 7231
license, hair designer's license, manicurist's license, 7232
esthetician's license, natural hair stylist's license, advanced 7233
cosmetologist's license, advanced hair designer's license, 7234

advanced manicurist's license, advanced esthetician's license, 7235
advanced natural hair stylist's license, cosmetology 7236
instructor's license, hair design instructor's license, 7237
manicurist instructor's license, esthetics instructor's license, 7238
natural hair style instructor's license, independent 7239
contractor's license, or tanning facility permit under Chapter 7240
4713. of the Revised Code; 7241

(8) A person who has been issued a license to practice 7242
dentistry, a general anesthesia permit, a conscious sedation 7243
permit, a limited resident's license, a limited teaching 7244
license, a dental hygienist's license, or a dental hygienist's 7245
teacher's certificate under Chapter 4715. of the Revised Code; 7246

(9) A person who has been issued an embalmer's license, a 7247
funeral director's license, a funeral home license, or a 7248
crematory license, or who has been registered for an embalmer's 7249
or funeral director's apprenticeship under Chapter 4717. of the 7250
Revised Code; 7251

(10) A person who has been licensed as a registered nurse 7252
or practical nurse, or who has been issued a certificate for the 7253
practice of nurse-midwifery under Chapter 4723. of the Revised 7254
Code; 7255

(11) A person who has been licensed to practice optometry 7256
or to engage in optical dispensing under Chapter 4725. of the 7257
Revised Code; 7258

(12) A person licensed to act as a pawnbroker under 7259
Chapter 4727. of the Revised Code; 7260

(13) A person licensed to act as a precious metals dealer 7261
under Chapter 4728. of the Revised Code; 7262

(14) A person licensed under Chapter 4729. of the Revised 7263

Code as a pharmacist or pharmacy intern or registered under that	7264
chapter as a registered pharmacy technician, certified pharmacy	7265
technician, or pharmacy technician trainee;	7266
(15) A person licensed under Chapter 4729. of the Revised	7267
Code as a manufacturer of dangerous drugs, outsourcing facility,	7268
third-party logistics provider, repackager of dangerous drugs,	7269
wholesale distributor of dangerous drugs, or terminal	7270
distributor of dangerous drugs;	7271
(16) A person who is authorized to practice as a physician	7272
assistant under Chapter 4730. of the Revised Code;	7273
(17) A person who has been issued a license to practice	7274
medicine and surgery, osteopathic medicine and surgery, or	7275
podiatric medicine and surgery under Chapter 4731. of the	7276
Revised Code or has been issued a certificate to practice a	7277
limited branch of medicine under that chapter;	7278
(18) A person licensed as a psychologist, independent	7279
school psychologist, or school psychologist under Chapter 4732.	7280
of the Revised Code;	7281
(19) A person registered to practice the profession of	7282
engineering or surveying under Chapter 4733. of the Revised	7283
Code;	7284
(20) A person who has been issued a license to practice	7285
chiropractic under Chapter 4734. of the Revised Code;	7286
(21) A person licensed to act as a real estate broker or	7287
real estate salesperson under Chapter 4735. of the Revised Code;	7288
(22) A person registered as a registered environmental	7289
health specialist under Chapter 4736. of the Revised Code;	7290
(23) A person licensed to operate or maintain a junkyard	7291

under Chapter 4737. of the Revised Code;	7292
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	7293 7294
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	7295 7296
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	7297 7298 7299 7300
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	7301 7302 7303
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	7304 7305 7306
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	7307 7308
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	7309 7310 7311
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	7312 7313 7314
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the	7315 7316 7317 7318 7319

Revised Code;	7320
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	7321 7322
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	7323 7324 7325
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	7326 7327
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	7328 7329
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	7330 7331 7332
(X) "Cocaine" means any of the following:	7333
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	7334 7335
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	7336 7337 7338 7339
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	7340 7341 7342 7343 7344 7345
(Y) "L.S.D." means lysergic acid diethylamide.	7346

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in

section 2929.01 of the Revised Code. 7376

(EE) "Minor drug possession offense" means either of the 7377
following: 7378

(1) A violation of section 2925.11 of the Revised Code as 7379
it existed prior to July 1, 1996; 7380

(2) A violation of section 2925.11 of the Revised Code as 7381
it exists on and after July 1, 1996, that is a misdemeanor or a 7382
felony of the fifth degree. 7383

(FF) "Mandatory prison term" has the same meaning as in 7384
section 2929.01 of the Revised Code. 7385

(GG) "Adulterate" means to cause a drug to be adulterated 7386
as described in section 3715.63 of the Revised Code. 7387

(HH) "Public premises" means any hotel, restaurant, 7388
tavern, store, arena, hall, or other place of public 7389
accommodation, business, amusement, or resort. 7390

(II) "Methamphetamine" means methamphetamine, any salt, 7391
isomer, or salt of an isomer of methamphetamine, or any 7392
compound, mixture, preparation, or substance containing 7393
methamphetamine or any salt, isomer, or salt of an isomer of 7394
methamphetamine. 7395

(JJ) "Deception" has the same meaning as in section 7396
2913.01 of the Revised Code. 7397

(KK) "Fentanyl-related compound" means any of the 7398
following: 7399

(1) Fentanyl; 7400

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 7401
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 7402

phenylethyl)-4-(N-propanilido) piperidine);	7403
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	7404 7405
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	7406 7407
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	7408 7409 7410
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	7411 7412
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	7413 7414
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	7415 7416
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	7417 7418
(10) Alfentanil;	7419
(11) Carfentanil;	7420
(12) Remifentanil;	7421
(13) Sufentanil;	7422
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	7423 7424
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl,	7425 7426 7427 7428

butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 7429
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 7430
fluorofentanyl: 7431

(a) A chemical scaffold consisting of both of the 7432
following: 7433

(i) A five, six, or seven member ring structure containing 7434
a nitrogen, whether or not further substituted; 7435

(ii) An attached nitrogen to the ring, whether or not that 7436
nitrogen is enclosed in a ring structure, including an attached 7437
aromatic ring or other lipophilic group to that nitrogen. 7438

(b) A polar functional group attached to the chemical 7439
scaffold, including but not limited to a hydroxyl, ketone, 7440
amide, or ester; 7441

(c) An alkyl or aryl substitution off the ring nitrogen of 7442
the chemical scaffold; and 7443

(d) The compound has not been approved for medical use by 7444
the United States food and drug administration. 7445

(LL) "First degree felony mandatory prison term" means one 7446
of the definite prison terms prescribed in division (A) (1) (b) of 7447
section 2929.14 of the Revised Code for a felony of the first 7448
degree, except that if the violation for which sentence is being 7449
imposed is committed on or after March 22, 2019, it means one of 7450
the minimum prison terms prescribed in division (A) (1) (a) of 7451
that section for a felony of the first degree. 7452

(MM) "Second degree felony mandatory prison term" means 7453
one of the definite prison terms prescribed in division (A) (2) 7454
(b) of section 2929.14 of the Revised Code for a felony of the 7455
second degree, except that if the violation for which sentence 7456

is being imposed is committed on or after March 22, 2019, it 7457
means one of the minimum prison terms prescribed in division (A) 7458
(2) (a) of that section for a felony of the second degree. 7459

(NN) "Maximum first degree felony mandatory prison term" 7460
means the maximum definite prison term prescribed in division 7461
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 7462
the first degree, except that if the violation for which 7463
sentence is being imposed is committed on or after March 22, 7464
2019, it means the longest minimum prison term prescribed in 7465
division (A) (1) (a) of that section for a felony of the first 7466
degree. 7467

(OO) "Maximum second degree felony mandatory prison term" 7468
means the maximum definite prison term prescribed in division 7469
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 7470
the second degree, except that if the violation for which 7471
sentence is being imposed is committed on or after March 22, 7472
2019, it means the longest minimum prison term prescribed in 7473
division (A) (2) (a) of that section for a felony of the second 7474
degree. 7475

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 7476
as in section 928.01 of the Revised Code. 7477

(QQ) An offense is "committed in the vicinity of a 7478
substance addiction services provider or a recovering addict" if 7479
either of the following apply: 7480

(1) The offender commits the offense on the premises of a 7481
substance addiction services provider's facility, including a 7482
facility licensed prior to June 29, 2019, under section 5119.391 7483
of the Revised Code to provide methadone treatment or an opioid 7484
treatment program licensed on or after that date under section 7485

5119.37 of the Revised Code, or within five hundred feet of the 7486
premises of a substance addiction services provider's facility 7487
and the offender knows or should know that the offense is being 7488
committed within the vicinity of the substance addiction 7489
services provider's facility. 7490

(2) The offender sells, offers to sell, delivers, or 7491
distributes the controlled substance or controlled substance 7492
analog to a person who is receiving treatment at the time of the 7493
commission of the offense, or received treatment within thirty 7494
days prior to the commission of the offense, from a substance 7495
addiction services provider and the offender knows that the 7496
person is receiving or received that treatment. 7497

(RR) "Substance addiction services provider" means an 7498
agency, association, corporation or other legal entity, 7499
individual, or program that provides one or more of the 7500
following at a facility: 7501

(1) Either alcohol addiction services, or drug addiction 7502
services, or both such services that are certified by the 7503
director of mental health and addiction services under section 7504
5119.36 of the Revised Code; 7505

(2) Recovery supports that are related to either alcohol 7506
addiction services, or drug addiction services, or both such 7507
services and paid for with federal, state, or local funds 7508
administered by the department of mental health and addiction 7509
services or a board of alcohol, drug addiction, and mental 7510
health services. 7511

(SS) "Premises of a substance addiction services 7512
provider's facility" means the parcel of real property on which 7513
any substance addiction service provider's facility is situated. 7514

(TT) "Alcohol and drug addiction services" has the same 7515
meaning as in section 5119.01 of the Revised Code. 7516

Sec. 2950.11. (A) Regardless of when the sexually oriented 7517
offense or child-victim oriented offense was committed, if a 7518
person is convicted of, pleads guilty to, has been convicted of, 7519
or has pleaded guilty to a sexually oriented offense or a child- 7520
victim oriented offense or a person is or has been adjudicated a 7521
delinquent child for committing a sexually oriented offense or a 7522
child-victim oriented offense and is classified a juvenile 7523
offender registrant or is an out-of-state juvenile offender 7524
registrant based on that adjudication, and if the offender or 7525
delinquent child is in any category specified in division (F) (1) 7526
(a), (b), or (c) of this section, the sheriff with whom the 7527
offender or delinquent child has most recently registered under 7528
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 7529
the sheriff to whom the offender or delinquent child most 7530
recently sent a notice of intent to reside under section 2950.04 7531
or 2950.041 of the Revised Code, within the period of time 7532
specified in division (C) of this section, shall provide a 7533
written notice containing the information set forth in division 7534
(B) of this section to all of the persons described in divisions 7535
(A) (1) to (10) of this section. If the sheriff has sent a notice 7536
to the persons described in those divisions as a result of 7537
receiving a notice of intent to reside and if the offender or 7538
delinquent child registers a residence address that is the same 7539
residence address described in the notice of intent to reside, 7540
the sheriff is not required to send an additional notice when 7541
the offender or delinquent child registers. The sheriff shall 7542
provide the notice to all of the following persons: 7543

(1) (a) Any occupant of each residential unit that is 7544
located within one thousand feet of the offender's or delinquent 7545

child's residential premises, that is located within the county 7546
served by the sheriff, and that is not located in a multi-unit 7547
building. Division (D)(3) of this section applies regarding 7548
notices required under this division. 7549

(b) If the offender or delinquent child resides in a 7550
multi-unit building, any occupant of each residential unit that 7551
is located in that multi-unit building and that shares a common 7552
hallway with the offender or delinquent child. For purposes of 7553
this division, an occupant's unit shares a common hallway with 7554
the offender or delinquent child if the entrance door into the 7555
occupant's unit is located on the same floor and opens into the 7556
same hallway as the entrance door to the unit the offender or 7557
delinquent child occupies. Division (D)(3) of this section 7558
applies regarding notices required under this division. 7559

(c) The building manager, or the person the building owner 7560
or condominium unit owners association authorizes to exercise 7561
management and control, of each multi-unit building that is 7562
located within one thousand feet of the offender's or delinquent 7563
child's residential premises, including a multi-unit building in 7564
which the offender or delinquent child resides, and that is 7565
located within the county served by the sheriff. In addition to 7566
notifying the building manager or the person authorized to 7567
exercise management and control in the multi-unit building under 7568
this division, the sheriff shall post a copy of the notice 7569
prominently in each common entryway in the building and any 7570
other location in the building the sheriff determines 7571
appropriate. The manager or person exercising management and 7572
control of the building shall permit the sheriff to post copies 7573
of the notice under this division as the sheriff determines 7574
appropriate. In lieu of posting copies of the notice as 7575
described in this division, a sheriff may provide notice to all 7576

occupants of the multi-unit building by mail or personal 7577
contact; if the sheriff so notifies all the occupants, the 7578
sheriff is not required to post copies of the notice in the 7579
common entryways to the building. Division (D)(3) of this 7580
section applies regarding notices required under this division. 7581

(d) All additional persons who are within any category of 7582
neighbors of the offender or delinquent child that the attorney 7583
general by rule adopted under section 2950.13 of the Revised 7584
Code requires to be provided the notice and who reside within 7585
the county served by the sheriff; 7586

(2) The executive director of the public children services 7587
agency that has jurisdiction within the specified geographical 7588
notification area and that is located within the county served 7589
by the sheriff; 7590

(3) (a) The superintendent of each board of education of a 7591
school district that has schools within the specified 7592
geographical notification area and that is located within the 7593
county served by the sheriff; 7594

(b) The principal of the school within the specified 7595
geographical notification area and within the county served by 7596
the sheriff that the delinquent child attends; 7597

(c) If the delinquent child attends a school outside of 7598
the specified geographical notification area or outside of the 7599
school district where the delinquent child resides, the 7600
superintendent of the board of education of a school district 7601
that governs the school that the delinquent child attends and 7602
the principal of the school that the delinquent child attends. 7603

(4) (a) The appointing or hiring officer of each chartered 7604
nonpublic school located within the specified geographical 7605

notification area and within the county served by the sheriff or 7606
of each other school located within the specified geographical 7607
notification area and within the county served by the sheriff 7608
and that is not operated by a board of education described in 7609
division (A) (3) of this section; 7610

(b) Regardless of the location of the school, the 7611
appointing or hiring officer of a chartered nonpublic school 7612
that the delinquent child attends. 7613

(5) The director, head teacher, elementary principal, or 7614
site administrator of each preschool program governed by Chapter 7615
3301. of the Revised Code that is located within the specified 7616
geographical notification area and within the county served by 7617
the sheriff; 7618

(6) The administrator of each child day-care center or 7619
type A family day-care home that is located within the specified 7620
geographical notification area and within the county served by 7621
the sheriff, and each holder of a license to operate a type B 7622
family day-care home that is located within the specified 7623
geographical notification area and within the county served by 7624
the sheriff. As used in this division, "child day-care center," 7625
"type A family day-care home," and "type B family day-care home" 7626
have the same meanings as in section 5104.01 of the Revised 7627
Code. 7628

(7) The president or other chief administrative officer of 7629
each institution of higher education, as defined in section 7630
2907.03 of the Revised Code, that is located within the 7631
specified geographical notification area and within the county 7632
served by the sheriff, and the chief law enforcement officer of 7633
the state university law enforcement agency or campus police 7634
department established under section 3345.04 or 1713.50 of the 7635

Revised Code, if any, that serves that institution; 7636

(8) The sheriff of each county that includes any portion 7637
of the specified geographical notification area; 7638

(9) If the offender or delinquent child resides within the 7639
county served by the sheriff, the chief of police, marshal, or 7640
other chief law enforcement officer of the municipal corporation 7641
in which the offender or delinquent child resides or, if the 7642
offender or delinquent child resides in an unincorporated area, 7643
the constable or chief of the police department or police 7644
district police force of the township in which the offender or 7645
delinquent child resides; 7646

(10) Volunteer organizations in which contact with minors 7647
or other vulnerable individuals might occur or any organization, 7648
company, or individual who requests notification as provided in 7649
division (J) of this section. 7650

(B) The notice required under division (A) of this section 7651
shall include all of the following information regarding the 7652
subject offender or delinquent child: 7653

(1) The offender's or delinquent child's name; 7654

(2) The address or addresses of the offender's or public 7655
registry-qualified juvenile offender registrant's residence, 7656
school, institution of higher education, or place of employment, 7657
as applicable, or the residence address or addresses of a 7658
delinquent child who is not a public registry-qualified juvenile 7659
offender registrant; 7660

(3) The sexually oriented offense or child-victim oriented 7661
offense of which the offender was convicted, to which the 7662
offender pleaded guilty, or for which the child was adjudicated 7663
a delinquent child; 7664

(4) A statement that identifies the category specified in 7665
division (F)(1)(a), (b), or (c) of this section that includes 7666
the offender or delinquent child and that subjects the offender 7667
or delinquent child to this section; 7668

(5) The offender's or delinquent child's photograph. 7669

(C) If a sheriff with whom an offender or delinquent child 7670
registers under section 2950.04, 2950.041, or 2950.05 of the 7671
Revised Code or to whom the offender or delinquent child most 7672
recently sent a notice of intent to reside under section 2950.04 7673
or 2950.041 of the Revised Code is required by division (A) of 7674
this section to provide notices regarding an offender or 7675
delinquent child and if, pursuant to that requirement, the 7676
sheriff provides a notice to a sheriff of one or more other 7677
counties in accordance with division (A)(8) of this section, the 7678
sheriff of each of the other counties who is provided notice 7679
under division (A)(8) of this section shall provide the notices 7680
described in divisions (A)(1) to (7) and (A)(9) and (10) of this 7681
section to each person or entity identified within those 7682
divisions that is located within the specified geographical 7683
notification area and within the county served by the sheriff in 7684
question. 7685

(D)(1) A sheriff required by division (A) or (C) of this 7686
section to provide notices regarding an offender or delinquent 7687
child shall provide the notice to the neighbors that are 7688
described in division (A)(1) of this section and the notices to 7689
law enforcement personnel that are described in divisions (A)(8) 7690
and (9) of this section as soon as practicable, but no later 7691
than five days after the offender sends the notice of intent to 7692
reside to the sheriff and again no later than five days after 7693
the offender or delinquent child registers with the sheriff or, 7694

if the sheriff is required by division (C) of this section to 7695
provide the notices, no later than five days after the sheriff 7696
is provided the notice described in division (A) (8) of this 7697
section. 7698

A sheriff required by division (A) or (C) of this section 7699
to provide notices regarding an offender or delinquent child 7700
shall provide the notices to all other specified persons that 7701
are described in divisions (A) (2) to (7) and (A) (10) of this 7702
section as soon as practicable, but not later than seven days 7703
after the offender or delinquent child registers with the 7704
sheriff or, if the sheriff is required by division (C) of this 7705
section to provide the notices, no later than five days after 7706
the sheriff is provided the notice described in division (A) (8) 7707
of this section. 7708

(2) If an offender or delinquent child in relation to whom 7709
division (A) of this section applies verifies the offender's or 7710
delinquent child's current residence, school, institution of 7711
higher education, or place of employment address, as applicable, 7712
with a sheriff pursuant to section 2950.06 of the Revised Code, 7713
the sheriff may provide a written notice containing the 7714
information set forth in division (B) of this section to the 7715
persons identified in divisions (A) (1) to (10) of this section. 7716
If a sheriff provides a notice pursuant to this division to the 7717
sheriff of one or more other counties in accordance with 7718
division (A) (8) of this section, the sheriff of each of the 7719
other counties who is provided the notice under division (A) (8) 7720
of this section may provide, but is not required to provide, a 7721
written notice containing the information set forth in division 7722
(B) of this section to the persons identified in divisions (A) 7723
(1) to (7) and (A) (9) and (10) of this section. 7724

(3) A sheriff may provide notice under division (A) (1) (a) 7725
or (b) of this section, and may provide notice under division 7726
(A) (1) (c) of this section to a building manager or person 7727
authorized to exercise management and control of a building, by 7728
mail, by personal contact, or by leaving the notice at or under 7729
the entry door to a residential unit. For purposes of divisions 7730
(A) (1) (a) and (b) of this section, and the portion of division 7731
(A) (1) (c) of this section relating to the provision of notice to 7732
occupants of a multi-unit building by mail or personal contact, 7733
the provision of one written notice per unit is deemed as 7734
providing notice to all occupants of that unit. 7735

(E) All information that a sheriff possesses regarding an 7736
offender or delinquent child who is in a category specified in 7737
division (F) (1) (a), (b), or (c) of this section that is 7738
described in division (B) of this section and that must be 7739
provided in a notice required under division (A) or (C) of this 7740
section or that may be provided in a notice authorized under 7741
division (D) (2) of this section is a public record that is open 7742
to inspection under section 149.43 of the Revised Code. 7743

The sheriff shall not cause to be publicly disseminated by 7744
means of the internet any of the information described in this 7745
division that is provided by a delinquent child unless that 7746
child is in a category specified in division (F) (1) (a), (b), or 7747
(c) of this section. 7748

(F) (1) Except as provided in division (F) (2) of this 7749
section, the duties to provide the notices described in 7750
divisions (A) and (C) of this section apply regarding any 7751
offender or delinquent child who is in any of the following 7752
categories: 7753

(a) The offender is a tier III sex offender/child-victim 7754

offender, or the delinquent child is a public registry-qualified 7755
juvenile offender registrant, and a juvenile court has not 7756
removed pursuant to section 2950.15 of the Revised Code the 7757
delinquent child's duty to comply with sections 2950.04, 7758
2950.041, 2950.05, and 2950.06 of the Revised Code. 7759

(b) The delinquent child is a tier III sex offender/child- 7760
victim offender who is not a public registry-qualified juvenile 7761
offender registrant, the delinquent child was subjected to this 7762
section prior to January 1, 2008, as a sexual predator, habitual 7763
sex offender, child-victim predator, or habitual child-victim 7764
offender, as those terms were defined in section 2950.01 of the 7765
Revised Code as it existed prior to January 1, 2008, and a 7766
juvenile court has not removed pursuant to section 2152.84 or 7767
2152.85 of the Revised Code the delinquent child's duty to 7768
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 7769
the Revised Code. 7770

(c) The delinquent child is a tier III sex offender/child- 7771
victim offender who is not a public registry-qualified juvenile 7772
offender registrant, the delinquent child was classified a 7773
juvenile offender registrant on or after January 1, 2008, the 7774
court has imposed a requirement under section 2152.82, 2152.83, 7775
or 2152.84 of the Revised Code subjecting the delinquent child 7776
to this section, and a juvenile court has not removed pursuant 7777
to section 2152.84 or 2152.85 of the Revised Code the delinquent 7778
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 7779
and 2950.06 of the Revised Code. 7780

(2) The notification provisions of this section do not 7781
apply to a person described in division (F) (1) (a), (b), or (c) 7782
of this section if a court finds at a hearing after considering 7783
the factors described in this division that the person would not 7784

be subject to the notification provisions of this section that 7785
were in the version of this section that existed immediately 7786
prior to January 1, 2008. In making the determination of whether 7787
a person would have been subject to the notification provisions 7788
under prior law as described in this division, the court shall 7789
consider the following factors: 7790

(a) The offender's or delinquent child's age; 7791

(b) The offender's or delinquent child's prior criminal or 7792
delinquency record regarding all offenses, including, but not 7793
limited to, all sexual offenses; 7794

(c) The age of the victim of the sexually oriented offense 7795
for which sentence is to be imposed or the order of disposition 7796
is to be made; 7797

(d) Whether the sexually oriented offense for which 7798
sentence is to be imposed or the order of disposition is to be 7799
made involved multiple victims; 7800

(e) Whether the offender or delinquent child used drugs or 7801
alcohol to impair the victim of the sexually oriented offense or 7802
to prevent the victim from resisting; 7803

(f) If the offender or delinquent child previously has 7804
been convicted of or pleaded guilty to, or been adjudicated a 7805
delinquent child for committing an act that if committed by an 7806
adult would be, a criminal offense, whether the offender or 7807
delinquent child completed any sentence or dispositional order 7808
imposed for the prior offense or act and, if the prior offense 7809
or act was a sex offense or a sexually oriented offense, whether 7810
the offender or delinquent child participated in available 7811
programs for sexual offenders; 7812

(g) Any mental illness or mental disability of the 7813

offender or delinquent child; 7814

(h) The nature of the offender's or delinquent child's 7815
sexual conduct, sexual contact, or interaction in a sexual 7816
context with the victim of the sexually oriented offense and 7817
whether the sexual conduct, sexual contact, or interaction in a 7818
sexual context was part of a demonstrated pattern of abuse; 7819

(i) Whether the offender or delinquent child, during the 7820
commission of the sexually oriented offense for which sentence 7821
is to be imposed or the order of disposition is to be made, 7822
displayed cruelty or made one or more threats of cruelty; 7823

(j) Whether the offender or delinquent child would have 7824
been a habitual sex offender or a habitual child victim offender 7825
under the definitions of those terms set forth in section 7826
2950.01 of the Revised Code as that section existed prior to 7827
January 1, 2008; 7828

(k) Any additional behavioral characteristics that 7829
contribute to the offender's or delinquent child's conduct. 7830

(G) (1) The department of job and family services shall 7831
compile, maintain, and update in January and July of each year, 7832
a list of all agencies, centers, or homes of a type described in 7833
division (A) (2) or (6) of this section that contains the name of 7834
each agency, center, or home of that type, the county in which 7835
it is located, its address and telephone number, and the name of 7836
an administrative officer or employee of the agency, center, or 7837
home. 7838

(2) The department of education and workforce shall 7839
compile, maintain, and update in January and July of each year, 7840
a list of all boards of education, schools, or programs of a 7841
type described in division (A) (3), (4), or (5) of this section 7842

that contains the name of each board of education, school, or 7843
program of that type, the county in which it is located, its 7844
address and telephone number, the name of the superintendent of 7845
the board or of an administrative officer or employee of the 7846
school or program, and, in relation to a board of education, the 7847
county or counties in which each of its schools is located and 7848
the address of each such school. 7849

(3) The ~~Ohio board of regents~~ chancellor of higher 7850
education shall compile, maintain, and update in January and 7851
July of each year, a list of all institutions of a type 7852
described in division (A) (7) of this section that contains the 7853
name of each such institution, the county in which it is 7854
located, its address and telephone number, and the name of its 7855
president or other chief administrative officer. 7856

(4) A sheriff required by division (A) or (C) of this 7857
section, or authorized by division (D) (2) of this section, to 7858
provide notices regarding an offender or delinquent child, or a 7859
designee of a sheriff of that type, may request the department 7860
of job and family services, ~~the~~ department of education, ~~or Ohio~~
~~board of regents~~ and workforce, or chancellor by telephone, in 7861
person, or by mail, to provide the sheriff or designee with the 7862
names, addresses, and telephone numbers of the appropriate 7863
persons and entities to whom the notices described in divisions 7864
(A) (2) to (7) of this section are to be provided. Upon receipt 7865
of a request, the department ~~or board~~ shall provide the 7866
requesting sheriff or designee with the names, addresses, and 7867
telephone numbers of the appropriate persons and entities to 7868
whom those notices are to be provided. 7869
7870

(H) (1) Upon the motion of the offender or the prosecuting 7871
attorney of the county in which the offender was convicted of or 7872

pleaded guilty to the sexually oriented offense or child-victim 7873
oriented offense for which the offender is subject to community 7874
notification under this section, or upon the motion of the 7875
sentencing judge or that judge's successor in office, the judge 7876
may schedule a hearing to determine whether the interests of 7877
justice would be served by suspending the community notification 7878
requirement under this section in relation to the offender. The 7879
judge may dismiss the motion without a hearing but may not issue 7880
an order suspending the community notification requirement 7881
without a hearing. At the hearing, all parties are entitled to 7882
be heard, and the judge shall consider all of the factors set 7883
forth in division (K) of this section. If, at the conclusion of 7884
the hearing, the judge finds that the offender has proven by 7885
clear and convincing evidence that the offender is unlikely to 7886
commit in the future a sexually oriented offense or a child- 7887
victim oriented offense and if the judge finds that suspending 7888
the community notification requirement is in the interests of 7889
justice, the judge may suspend the application of this section 7890
in relation to the offender. The order shall contain both of 7891
these findings. 7892

The judge promptly shall serve a copy of the order upon 7893
the sheriff with whom the offender most recently registered 7894
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 7895
and upon the bureau of criminal identification and 7896
investigation. 7897

An order suspending the community notification requirement 7898
does not suspend or otherwise alter an offender's duties to 7899
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 7900
the Revised Code and does not suspend the victim notification 7901
requirement under section 2950.10 of the Revised Code. 7902

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a sexually violent predator;

(b) A person who is convicted of or pleads guilty to a sexually oriented offense that is a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02

of the Revised Code; 7933

(c) A person who is convicted of or pleads guilty to a 7934
sexually oriented offense that is attempted rape committed on or 7935
after January 2, 2007, and who also is convicted of or pleads 7936
guilty to a specification of the type described in section 7937
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 7938

(d) A person who is convicted of or pleads guilty to an 7939
offense described in division (B) (3) (a), (b), (c), or (d) of 7940
section 2971.03 of the Revised Code and who is sentenced for 7941
that offense pursuant to that division; 7942

(e) An offender who is in a category specified in division 7943
(F) (1) (a), (b), or (c) of this section and who, subsequent to 7944
being subjected to community notification, has pleaded guilty to 7945
or been convicted of a sexually oriented offense or child-victim 7946
oriented offense. 7947

(I) If a person is convicted of, pleads guilty to, has 7948
been convicted of, or has pleaded guilty to a sexually oriented 7949
offense or a child-victim oriented offense or a person is or has 7950
been adjudicated a delinquent child for committing a sexually 7951
oriented offense or a child-victim oriented offense and is 7952
classified a juvenile offender registrant or is an out-of-state 7953
juvenile offender registrant based on that adjudication, and if 7954
the offender or delinquent child is not in any category 7955
specified in division (F) (1) (a), (b), or (c) of this section, 7956
the sheriff with whom the offender or delinquent child has most 7957
recently registered under section 2950.04, 2950.041, or 2950.05 7958
of the Revised Code and the sheriff to whom the offender or 7959
delinquent child most recently sent a notice of intent to reside 7960
under section 2950.04 or 2950.041 of the Revised Code, within 7961
the period of time specified in division (D) of this section, 7962

shall provide a written notice containing the information set 7963
forth in division (B) of this section to the executive director 7964
of the public children services agency that has jurisdiction 7965
within the specified geographical notification area and that is 7966
located within the county served by the sheriff. 7967

(J) Each sheriff shall allow a volunteer organization or 7968
other organization, company, or individual who wishes to receive 7969
the notice described in division (A) (10) of this section 7970
regarding a specific offender or delinquent child or notice 7971
regarding all offenders and delinquent children who are located 7972
in the specified geographical notification area to notify the 7973
sheriff by electronic mail or through the sheriff's web site of 7974
this election. The sheriff shall promptly inform the bureau of 7975
criminal identification and investigation of these requests in 7976
accordance with the forwarding procedures adopted by the 7977
attorney general pursuant to section 2950.13 of the Revised 7978
Code. 7979

(K) In making a determination under division (H) (1) of 7980
this section as to whether to suspend the community notification 7981
requirement under this section for an offender, the judge shall 7982
consider all relevant factors, including, but not limited to, 7983
all of the following: 7984

(1) The offender's age; 7985

(2) The offender's prior criminal or delinquency record 7986
regarding all offenses, including, but not limited to, all 7987
sexually oriented offenses or child-victim oriented offenses; 7988

(3) The age of the victim of the sexually oriented offense 7989
or child-victim oriented offense the offender committed; 7990

(4) Whether the sexually oriented offense or child-victim 7991

oriented offense the offender committed involved multiple 7992
victims; 7993

(5) Whether the offender used drugs or alcohol to impair 7994
the victim of the sexually oriented offense or child-victim 7995
oriented offense the offender committed or to prevent the victim 7996
from resisting; 7997

(6) If the offender previously has been convicted of, 7998
pleaded guilty to, or been adjudicated a delinquent child for 7999
committing an act that if committed by an adult would be a 8000
criminal offense, whether the offender completed any sentence or 8001
dispositional order imposed for the prior offense or act and, if 8002
the prior offense or act was a sexually oriented offense or a 8003
child-victim oriented offense, whether the offender or 8004
delinquent child participated in available programs for sex 8005
offenders or child-victim offenders; 8006

(7) Any mental illness or mental disability of the 8007
offender; 8008

(8) The nature of the offender's sexual conduct, sexual 8009
contact, or interaction in a sexual context with the victim of 8010
the sexually oriented offense the offender committed or the 8011
nature of the offender's interaction in a sexual context with 8012
the victim of the child-victim oriented offense the offender 8013
committed, whichever is applicable, and whether the sexual 8014
conduct, sexual contact, or interaction in a sexual context was 8015
part of a demonstrated pattern of abuse; 8016

(9) Whether the offender, during the commission of the 8017
sexually oriented offense or child-victim oriented offense the 8018
offender committed, displayed cruelty or made one or more 8019
threats of cruelty; 8020

(10) Any additional behavioral characteristics that 8021
contribute to the offender's conduct. 8022

(L) As used in this section, "specified geographical 8023
notification area" means the geographic area or areas within 8024
which the attorney general, by rule adopted under section 8025
2950.13 of the Revised Code, requires the notice described in 8026
division (B) of this section to be given to the persons 8027
identified in divisions (A)(2) to (8) of this section. 8028

Sec. 2953.34. (A) Inspection of the sealed records 8029
included in a sealing order may be made only by the following 8030
persons or for the following purposes: 8031

(1) By a law enforcement officer or prosecutor, or the 8032
assistants of either, to determine whether the nature and 8033
character of the offense with which a person is to be charged 8034
would be affected by virtue of the person's previously having 8035
been convicted of a crime; 8036

(2) By the parole or probation officer of the person who 8037
is the subject of the records, for the exclusive use of the 8038
officer in supervising the person while on parole or under a 8039
community control sanction or a post-release control sanction, 8040
and in making inquiries and written reports as requested by the 8041
court or adult parole authority; 8042

(3) Upon application by the person who is the subject of 8043
the records, by the persons named in the application; 8044

(4) By a law enforcement officer who was involved in the 8045
case, for use in the officer's defense of a civil action arising 8046
out of the officer's involvement in that case; 8047

(5) By a prosecuting attorney or the prosecuting 8048
attorney's assistants, to determine a defendant's eligibility to 8049

enter a pre-trial diversion program established pursuant to 8050
section 2935.36 of the Revised Code; 8051

(6) By any law enforcement agency or any authorized 8052
employee of a law enforcement agency or by the department of 8053
rehabilitation and correction or department of youth services as 8054
part of a background investigation of a person who applies for 8055
employment with the agency or with the department; 8056

(7) By any law enforcement agency or any authorized 8057
employee of a law enforcement agency, for the purposes set forth 8058
in, and in the manner provided in, division (I) of section 8059
2953.34 of the Revised Code; 8060

(8) By the bureau of criminal identification and 8061
investigation or any authorized employee of the bureau for the 8062
purpose of providing information to a board or person pursuant 8063
to division (F) or (G) of section 109.57 of the Revised Code; 8064

(9) By the bureau of criminal identification and 8065
investigation or any authorized employee of the bureau for the 8066
purpose of performing a criminal history records check on a 8067
person to whom a certificate as prescribed in section 109.77 of 8068
the Revised Code is to be awarded; 8069

(10) By the bureau of criminal identification and 8070
investigation or any authorized employee of the bureau for the 8071
purpose of conducting a criminal records check of an individual 8072
pursuant to division (B) of section 109.572 of the Revised Code 8073
that was requested pursuant to any of the sections identified in 8074
division (B)(1) of that section; 8075

(11) By the bureau of criminal identification and 8076
investigation, an authorized employee of the bureau, a sheriff, 8077
or an authorized employee of a sheriff in connection with a 8078

criminal records check described in section 311.41 of the 8079
Revised Code; 8080

(12) By the attorney general or an authorized employee of 8081
the attorney general or a court for purposes of determining a 8082
person's classification pursuant to Chapter 2950. of the Revised 8083
Code; 8084

(13) By a court, the registrar of motor vehicles, a 8085
prosecuting attorney or the prosecuting attorney's assistants, 8086
or a law enforcement officer for the purpose of assessing points 8087
against a person under section 4510.036 of the Revised Code or 8088
for taking action with regard to points assessed. 8089

When the nature and character of the offense with which a 8090
person is to be charged would be affected by the information, it 8091
may be used for the purpose of charging the person with an 8092
offense. 8093

(B) In any criminal proceeding, proof of any otherwise 8094
admissible prior conviction may be introduced and proved, 8095
notwithstanding the fact that for any such prior conviction an 8096
order of sealing or expungement previously was issued pursuant 8097
to sections 2953.31 to 2953.34 of the Revised Code. 8098

(C) The person or governmental agency, office, or 8099
department that maintains sealed records pertaining to 8100
convictions or bail forfeitures that have been sealed pursuant 8101
to section 2953.32 of the Revised Code may maintain a manual or 8102
computerized index to the sealed records. The index shall 8103
contain only the name of, and alphanumeric identifiers that 8104
relate to, the persons who are the subject of the sealed 8105
records, the word "sealed," and the name of the person, agency, 8106
office, or department that has custody of the sealed records, 8107

and shall not contain the name of the crime committed. The index 8108
shall be made available by the person who has custody of the 8109
sealed records only for the purposes set forth in divisions (A), 8110
(B), and (D) of this section. 8111

(D) Notwithstanding any provision of this section or 8112
section 2953.32 of the Revised Code that requires otherwise, a 8113
board of education of a city, local, exempted village, or joint 8114
vocational school district that maintains records of an 8115
individual who has been permanently excluded under sections 8116
3301.121 and 3313.662 of the Revised Code is permitted to 8117
maintain records regarding a conviction that was used as the 8118
basis for the individual's permanent exclusion, regardless of a 8119
court order to seal or expunge the record. An order issued under 8120
this section to seal or expunge the record of a conviction does 8121
not revoke the adjudication order of the ~~superintendent of~~ 8122
~~public instruction~~ director of education and workforce to 8123
permanently exclude the individual who is the subject of the 8124
sealing or expungement order. An order issued under this section 8125
to seal or expunge the record of a conviction of an individual 8126
may be presented to a district superintendent as evidence to 8127
support the contention that the superintendent should recommend 8128
that the permanent exclusion of the individual who is the 8129
subject of the sealing or expungement order be revoked. Except 8130
as otherwise authorized by this division and sections 3301.121 8131
and 3313.662 of the Revised Code, any school employee in 8132
possession of or having access to the sealed or expunged 8133
conviction records of an individual that were the basis of a 8134
permanent exclusion of the individual is subject to division (J) 8135
of this section. 8136

(E) Notwithstanding any provision of this section or 8137
section 2953.32 of the Revised Code that requires otherwise, if 8138

the auditor of state or a prosecutor maintains records, reports, 8139
or audits of an individual who has been forever disqualified 8140
from holding public office, employment, or a position of trust 8141
in this state under sections 2921.41 and 2921.43 of the Revised 8142
Code, or has otherwise been convicted of an offense based upon 8143
the records, reports, or audits of the auditor of state, the 8144
auditor of state or prosecutor is permitted to maintain those 8145
records to the extent they were used as the basis for the 8146
individual's disqualification or conviction, and shall not be 8147
compelled by court order to seal or expunge those records. 8148

(F) For purposes of sections 2953.31 and 2953.34 of the 8149
Revised Code, DNA records collected in the DNA database and 8150
fingerprints filed for record by the superintendent of the 8151
bureau of criminal identification and investigation shall not be 8152
sealed or expunged unless the superintendent receives a 8153
certified copy of a final court order establishing that the 8154
offender's conviction has been overturned. For purposes of this 8155
section, a court order is not "final" if time remains for an 8156
appeal or application for discretionary review with respect to 8157
the order. 8158

(G) The sealing of a record under this section does not 8159
affect the assessment of points under section 4510.036 of the 8160
Revised Code and does not erase points assessed against a person 8161
as a result of the sealed record. 8162

(H) (1) The court shall send notice of any order to seal 8163
official records issued pursuant to division (B) (3) of section 8164
2953.33 of the Revised Code to the bureau of criminal 8165
identification and investigation and shall send notice of any 8166
order issued pursuant to division (B) (4) of that section to any 8167
public office or agency that the court knows or has reason to 8168

believe may have any record of the case, whether or not it is an official record, that is the subject of the order.

(2) A person whose official records have been sealed pursuant to an order issued pursuant to section 2953.33 of the Revised Code may present a copy of that order and a written request to comply with it, to a public office or agency that has a record of the case that is the subject of the order.

(3) An order to seal official records issued pursuant to section 2953.33 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal the official records or receives a copy of the order to seal the official records pursuant to division (H) (1) or (2) of this section.

(4) Upon receiving a copy of an order to seal official records pursuant to division (H) (1) or (2) of this section or upon otherwise becoming aware of an applicable order to seal official records issued pursuant to section 2953.33 of the Revised Code, a public office or agency shall comply with the order and, if applicable, with division (K) of this section, except that it may maintain a record of the case that is the subject of the order if the record is maintained for the purpose of compiling statistical data only and does not contain any reference to the person who is the subject of the case and the order.

(5) A public office or agency also may maintain an index of sealed official records, in a form similar to that for sealed records of conviction as set forth in division (C) of this section, access to which may not be afforded to any person other

than the person who has custody of the sealed official records. 8199
The sealed official records to which such an index pertains 8200
shall not be available to any person, except that the official 8201
records of a case that have been sealed may be made available to 8202
the following persons for the following purposes: 8203

(a) To the person who is the subject of the records upon 8204
written application, and to any other person named in the 8205
application, for any purpose; 8206

(b) To a law enforcement officer who was involved in the 8207
case, for use in the officer's defense of a civil action arising 8208
out of the officer's involvement in that case; 8209

(c) To a prosecuting attorney or the prosecuting 8210
attorney's assistants to determine a defendant's eligibility to 8211
enter a pre-trial diversion program established pursuant to 8212
section 2935.36 of the Revised Code; 8213

(d) To a prosecuting attorney or the prosecuting 8214
attorney's assistants to determine a defendant's eligibility to 8215
enter a pre-trial diversion program under division (E) (2) (b) of 8216
section 4301.69 of the Revised Code. 8217

(I) (1) Upon the issuance of an order by a court pursuant 8218
to division (D) (2) of section 2953.32 of the Revised Code 8219
directing that all official records of a case pertaining to a 8220
conviction or bail forfeiture be sealed or expunged or an order 8221
by a court pursuant to division (E) of section 2151.358, 8222
division (C) (2) of section 2953.35, or division (E) of section 8223
2953.36 of the Revised Code directing that all official records 8224
of a case pertaining to a conviction or delinquent child 8225
adjudication be expunged: 8226

(a) Every law enforcement officer who possesses 8227

investigatory work product immediately shall deliver that work 8228
product to the law enforcement officer's employing law 8229
enforcement agency. 8230

(b) Except as provided in divisions (I)(1)(c) and (d) of 8231
this section, every law enforcement agency that possesses 8232
investigatory work product shall close that work product to all 8233
persons who are not directly employed by the law enforcement 8234
agency and shall treat that work product, in relation to all 8235
persons other than those who are directly employed by the law 8236
enforcement agency, as if it did not exist and never had 8237
existed. 8238

(c) A law enforcement agency that possesses investigatory 8239
work product may permit another law enforcement agency to use 8240
that work product in the investigation of another offense if the 8241
facts incident to the offense being investigated by the other 8242
law enforcement agency and the facts incident to an offense that 8243
is the subject of the case are reasonably similar. The agency 8244
that permits the use of investigatory work product may provide 8245
the other agency with the name of the person who is the subject 8246
of the case if it believes that the name of the person is 8247
necessary to the conduct of the investigation by the other 8248
agency. 8249

(d) The auditor of state may provide to or discuss with 8250
other parties investigatory work product maintained pursuant to 8251
Chapter 117. of the Revised Code by the auditor of state. 8252

(2)(a) Except as provided in divisions (I)(1)(c) and (d) 8253
of this section, no law enforcement officer or other person 8254
employed by a law enforcement agency shall knowingly release, 8255
disseminate, or otherwise make the investigatory work product or 8256
any information contained in that work product available to, or 8257

discuss any information contained in it with, any person not 8258
employed by the employing law enforcement agency. 8259

(b) No law enforcement agency, or person employed by a law 8260
enforcement agency, that receives investigatory work product 8261
pursuant to divisions (I) (1) (c) and (d) of this section shall 8262
use that work product for any purpose other than the 8263
investigation of the offense for which it was obtained from the 8264
other law enforcement agency, or disclose the name of the person 8265
who is the subject of the work product except when necessary for 8266
the conduct of the investigation of the offense, or the 8267
prosecution of the person for committing the offense, for which 8268
it was obtained from the other law enforcement agency. 8269

(3) Whoever violates division (I) (2) (a) or (b) of this 8270
section is guilty of divulging confidential investigatory work 8271
product, a misdemeanor of the fourth degree. 8272

(J) (1) Except as authorized by divisions (A) to (C) of 8273
this section or by Chapter 2950. of the Revised Code and subject 8274
to division (J) (2) of this section, any officer or employee of 8275
the state, or a political subdivision of the state, who releases 8276
or otherwise disseminates or makes available for any purpose 8277
involving employment, bonding, or licensing in connection with 8278
any business, trade, or profession to any person, or to any 8279
department, agency, or other instrumentality of the state, or 8280
any political subdivision of the state, any information or other 8281
data concerning any law enforcement or justice system matter the 8282
records with respect to which the officer or employee had 8283
knowledge of were sealed by an existing order issued pursuant to 8284
section 2953.32 of the Revised Code, division (E) of section 8285
2151.358, section 2953.35, or section 2953.36 of the Revised 8286
Code, or were expunged by an order issued pursuant to section 8287

2953.42 of the Revised Code as it existed prior to June 29, 8288
1988, is guilty of divulging confidential information, a 8289
misdemeanor of the fourth degree. 8290

(2) Division (J)(1) of this section does not apply to an 8291
officer or employee of the state, or a political subdivision of 8292
the state, who releases or otherwise disseminates or makes 8293
available for any purpose specified in that division any 8294
information or other data concerning a law enforcement or 8295
justice system matter the records of which the officer had 8296
knowledge were sealed or expunged by an order of a type 8297
described in that division, if all of the following apply: 8298

(a) The officer or employee released, disseminated, or 8299
made available the information or data from the sealed or 8300
expunged records together with information or data concerning 8301
another law enforcement or justice system matter. 8302

(b) The records of the other law enforcement or justice 8303
system matter were not sealed or expunged by any order of a type 8304
described in division (J)(1) of this section. 8305

(c) The law enforcement or justice system matter covered 8306
by the information or data from the sealed or expunged records 8307
and the other law enforcement or justice system matter covered 8308
by the information or data from the records that were not sealed 8309
or expunged resulted from or were connected to the same act. 8310

(d) The officer or employee made a good faith effort to 8311
not release, disseminate, or make available any information or 8312
other data concerning any law enforcement or justice system 8313
matter from the sealed or expunged records, and the officer or 8314
employee did not release, disseminate, or make available the 8315
information or other data from the sealed or expunged records 8316

with malicious purpose, in bad faith, or in a wanton or reckless manner. 8317
8318

(3) Any person who, in violation of this section, uses, 8319
disseminates, or otherwise makes available any index prepared 8320
pursuant to division (C) of this section is guilty of a 8321
misdemeanor of the fourth degree. 8322

(K) (1) Except as otherwise provided in Chapter 2950. of 8323
the Revised Code, upon the issuance of an order by a court under 8324
division (B) of section 2953.33 of the Revised Code directing 8325
that all official records pertaining to a case be sealed and 8326
that the proceedings in the case be deemed not to have occurred: 8327

(a) Every law enforcement officer possessing records or 8328
reports pertaining to the case that are the officer's specific 8329
investigatory work product and that are excepted from the 8330
definition of official records shall immediately deliver the 8331
records and reports to the officer's employing law enforcement 8332
agency. Except as provided in division (K) (1) (c) or (d) of this 8333
section, no such officer shall knowingly release, disseminate, 8334
or otherwise make the records and reports or any information 8335
contained in them available to, or discuss any information 8336
contained in them with, any person not employed by the officer's 8337
employing law enforcement agency. 8338

(b) Every law enforcement agency that possesses records or 8339
reports pertaining to the case that are its specific 8340
investigatory work product and that are excepted from the 8341
definition of official records, or that are the specific 8342
investigatory work product of a law enforcement officer it 8343
employs and that were delivered to it under division (K) (1) (a) 8344
of this section shall, except as provided in division (K) (1) (c) 8345
or (d) of this section, close the records and reports to all 8346

persons who are not directly employed by the law enforcement 8347
agency and shall, except as provided in division (K) (1) (c) or 8348
(d) of this section, treat the records and reports, in relation 8349
to all persons other than those who are directly employed by the 8350
law enforcement agency, as if they did not exist and had never 8351
existed. Except as provided in division (K) (1) (c) or (d) of this 8352
section, no person who is employed by the law enforcement agency 8353
shall knowingly release, disseminate, or otherwise make the 8354
records and reports in the possession of the employing law 8355
enforcement agency or any information contained in them 8356
available to, or discuss any information contained in them with, 8357
any person not employed by the employing law enforcement agency. 8358

(c) A law enforcement agency that possesses records or 8359
reports pertaining to the case that are its specific 8360
investigatory work product and that are excepted from the 8361
definition of official records, or that are the specific 8362
investigatory work product of a law enforcement officer it 8363
employs and that were delivered to it under division (K) (1) (a) 8364
of this section may permit another law enforcement agency to use 8365
the records or reports in the investigation of another offense, 8366
if the facts incident to the offense being investigated by the 8367
other law enforcement agency and the facts incident to an 8368
offense that is the subject of the case are reasonably similar. 8369
The agency that provides the records and reports may provide the 8370
other agency with the name of the person who is the subject of 8371
the case, if it believes that the name of the person is 8372
necessary to the conduct of the investigation by the other 8373
agency. 8374

No law enforcement agency, or person employed by a law 8375
enforcement agency, that receives from another law enforcement 8376
agency records or reports pertaining to a case the records of 8377

which have been ordered sealed pursuant to division (B) of 8378
section 2953.33 of the Revised Code shall use the records and 8379
reports for any purpose other than the investigation of the 8380
offense for which they were obtained from the other law 8381
enforcement agency, or disclose the name of the person who is 8382
the subject of the records or reports except when necessary for 8383
the conduct of the investigation of the offense, or the 8384
prosecution of the person for committing the offense, for which 8385
they were obtained from the other law enforcement agency. 8386

(d) The auditor of state may provide to or discuss with 8387
other parties records, reports, or audits maintained by the 8388
auditor of state pursuant to Chapter 117. of the Revised Code 8389
pertaining to the case that are the auditor of state's specific 8390
investigatory work product and that are excepted from the 8391
definition of "official records" contained in division (C) of 8392
section 2953.31 of the Revised Code, or that are the specific 8393
investigatory work product of a law enforcement officer the 8394
auditor of state employs and that were delivered to the auditor 8395
of state under division (K) (1) (a) of this section. 8396

(2) Whoever violates division (K) (1) of this section is 8397
guilty of divulging confidential information, a misdemeanor of 8398
the fourth degree. 8399

(L) (1) In any application for employment, license, or any 8400
other right or privilege, any appearance as a witness, or any 8401
other inquiry, a person may not be questioned with respect to 8402
any record that has been sealed pursuant to section 2953.33 of 8403
the Revised Code. If an inquiry is made in violation of this 8404
division, the person whose official record was sealed may 8405
respond as if the arrest underlying the case to which the sealed 8406
official records pertain and all other proceedings in that case 8407

did not occur, and the person whose official record was sealed 8408
shall not be subject to any adverse action because of the 8409
arrest, the proceedings, or the person's response. 8410

(2) An officer or employee of the state or any of its 8411
political subdivisions who knowingly releases, disseminates, or 8412
makes available for any purpose involving employment, bonding, 8413
licensing, or education to any person or to any department, 8414
agency, or other instrumentality of the state, or of any of its 8415
political subdivisions, any information or other data concerning 8416
any arrest, complaint, indictment, information, trial, 8417
adjudication, or correctional supervision, knowing the records 8418
of which have been sealed pursuant to section 2953.33 of the 8419
Revised Code, is guilty of divulging confidential information, a 8420
misdemeanor of the fourth degree. 8421

(M) It is not a violation of division (I), (J), (K), or 8422
(L) of this section for the bureau of criminal identification 8423
and investigation or any authorized employee of the bureau 8424
participating in the investigation of criminal activity to 8425
release, disseminate, or otherwise make available to, or discuss 8426
with, a person directly employed by a law enforcement agency DNA 8427
records collected in the DNA database or fingerprints filed for 8428
record by the superintendent of the bureau of criminal 8429
identification and investigation. 8430

(N) (1) An order issued under section 2953.35 of the 8431
Revised Code to expunge the record of a person's conviction or, 8432
except as provided in division (D) of this section, an order 8433
issued under that section to seal the record of a person's 8434
conviction restores the person who is the subject of the order 8435
to all rights and privileges not otherwise restored by 8436
termination of the sentence or community control sanction or by 8437

final release on parole or post-release control. 8438

(2) (a) In any application for employment, license, or 8439
other right or privilege, any appearance as a witness, or any 8440
other inquiry, except as provided in division (B) of this 8441
section and in section 3319.292 of the Revised Code and subject 8442
to division (N) (2) (c) of this section, a person may be 8443
questioned only with respect to convictions not sealed, bail 8444
forfeitures not expunged under section 2953.42 of the Revised 8445
Code as it existed prior to June 29, 1988, and bail forfeitures 8446
not sealed, unless the question bears a direct and substantial 8447
relationship to the position for which the person is being 8448
considered. 8449

(b) In any application for a certificate of qualification 8450
for employment under section 2953.25 of the Revised Code, a 8451
person may be questioned only with respect to convictions not 8452
sealed and bail forfeitures not sealed. 8453

(c) A person may not be questioned in any application, 8454
appearance, or inquiry of a type described in division (N) (2) (a) 8455
of this section with respect to any conviction expunged under 8456
section 2953.35 of the Revised Code. 8457

(O) Nothing in section 2953.32 or 2953.34 of the Revised 8458
Code precludes an offender from taking an appeal or seeking any 8459
relief from the offender's conviction or from relying on it in 8460
lieu of any subsequent prosecution for the same offense. 8461

Sec. 3301.01. (A) There is hereby created the state board 8462
of education consisting of nineteen members with eleven elected 8463
members, one each to be elected in accordance with section 8464
3301.03 of the Revised Code from each of the districts 8465
established in accordance with division (B) of this section, and 8466

with eight members to be appointed by the governor with the 8467
advice and consent of the senate. 8468

In addition to the nineteen elected or appointed members, 8469
the chairperson of the committee of the senate that primarily 8470
deals with education and the chairperson of the committee of the 8471
house of representatives that primarily deals with education 8472
shall be nonvoting ex officio members of the board. 8473

(B) (1) The territory of each state board of education 8474
district for each elected voting member of the board shall 8475
consist of the territory of three contiguous senate districts as 8476
established in the most recent apportionment for members of the 8477
general assembly, but the territory of no senate district shall 8478
be part of the territory of more than one state board of 8479
education district. Each state board of education district shall 8480
be as compact as practicable. The districts shall include, when 8481
practicable, some districts that primarily consist of territory 8482
in rural areas and some districts that primarily consist of 8483
territory in urban areas. 8484

(2) If, after the apportionment for members of the general 8485
assembly is made in any year, the general assembly does not 8486
during that year enact legislation establishing state board of 8487
education districts in accordance with division (B) (1) of this 8488
section, the governor shall designate the boundaries of the 8489
districts in accordance with division (B) (1) of this section no 8490
later than the thirty-first day of January of the year next 8491
succeeding such apportionment. Upon making such designation, the 8492
governor shall give written notice of the boundaries of the 8493
districts to each member of the state board of education, 8494
including the nonvoting ex officio members; the superintendent 8495
of public instruction; the director of education and workforce; 8496

the president of the senate; the speaker of the house of 8497
representatives; and the board of elections of each county in 8498
each new district. On the first day of February in any year in 8499
which the governor designates the boundaries of state board of 8500
education districts under this section, the state board of 8501
education districts as they existed prior to that date shall 8502
cease to exist and the new districts shall be created. 8503

Sec. 3301.07. ~~The state board~~ director of education and 8504
workforce shall exercise under the acts of the general assembly 8505
general supervision of the system of public education in the 8506
state. In addition to the powers otherwise imposed on the ~~state~~ 8507
~~board~~ director under the provisions of law, the ~~board~~ director 8508
shall have the powers described in this section. 8509

(A) ~~The state board~~ director shall exercise policy 8510
forming, planning, and evaluative functions for the public 8511
schools of the state except as otherwise provided by law. 8512

(B) (1) ~~The state board~~ director shall exercise leadership 8513
in the improvement of public education in this state, and 8514
administer the educational policies of this state relating to 8515
public schools, and relating to instruction and instructional 8516
material, building and equipment, transportation of pupils, 8517
administrative responsibilities of school officials and 8518
personnel, and finance and organization of school districts, 8519
educational service centers, and territory. Consultative and 8520
advisory services in such matters shall be provided by the ~~board~~ 8521
department of education and workforce to school districts and 8522
educational service centers of this state. 8523

(2) ~~The state board~~ director also shall develop a standard 8524
of financial reporting which shall be used by each school 8525
district board of education and each governing board of an 8526

educational service center, each governing authority of a 8527
community school established under Chapter 3314., each governing 8528
body of a STEM school established under Chapter ~~3328.~~ 3326., and 8529
each board of trustees of a college-preparatory boarding school 8530
established under Chapter 3328. of the Revised Code to make its 8531
financial information and annual budgets for each school 8532
building under its control available to the public in a format 8533
understandable by the average citizen. The format shall show, 8534
both at the district and at the school building level, revenue 8535
by source; expenditures for salaries, wages, and benefits of 8536
employees, showing such amounts separately for classroom 8537
teachers, other employees required to hold licenses issued 8538
pursuant to sections 3319.22 to 3319.31 of the Revised Code, and 8539
all other employees; expenditures other than for personnel, by 8540
category, including utilities, textbooks and other educational 8541
materials, equipment, permanent improvements, pupil 8542
transportation, extracurricular athletics, and other 8543
extracurricular activities; and per pupil expenditures. The 8544
format shall also include information on total revenue and 8545
expenditures, per pupil revenue, and expenditures for both 8546
classroom and nonclassroom purposes, as defined by the standards 8547
adopted under section 3302.20 of the Revised Code in the 8548
aggregate and for each subgroup of students, as defined by 8549
section 3317.40 of the Revised Code, that receives services 8550
provided for by state or federal funding. 8551

(3) Each school district board, governing authority, 8552
governing body, or board of trustees, or its respective 8553
designee, shall annually report, to the department ~~of education,~~ 8554
all financial information required by the standards for 8555
financial reporting, as prescribed by division (B) (2) of this 8556
section and adopted by the ~~state board~~ director. The department 8557

shall make all reports submitted pursuant to this division 8558
available in such a way that allows for comparison between 8559
financial information included in these reports and financial 8560
information included in reports produced prior to July 1, 2013. 8561
The department shall post these reports in a prominent location 8562
on its web site and shall notify each school when reports are 8563
made available. 8564

(C) ~~The state board~~ director shall administer and 8565
supervise the allocation and distribution of all state and 8566
federal funds for public school education under the provisions 8567
of law, and may prescribe such systems of accounting as are 8568
necessary and proper to this function. It may require county 8569
auditors and treasurers, boards of education, educational 8570
service center governing boards, treasurers of such boards, 8571
teachers, and other school officers and employees, or other 8572
public officers or employees, to file with it such reports as it 8573
may prescribe relating to such funds, or to the management and 8574
condition of such funds. 8575

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 8576
XLVII, and LI of the Revised Code a reference is made to 8577
standards prescribed under this section or division (D) of this 8578
section, that reference shall be construed to refer to the 8579
standards prescribed under division (D) (2) of this section, 8580
unless the context specifically indicates a different meaning or 8581
intent. 8582

(2) ~~The state board~~ director shall formulate and prescribe 8583
minimum standards to be applied to all elementary and secondary 8584
schools in this state for the purpose of providing children 8585
access to a general education of high quality according to the 8586
learning needs of each individual, including students with 8587

disabilities, economically disadvantaged students, English 8588
learners, and students identified as gifted. Such standards 8589
shall provide adequately for: ~~the licensing of a requirement~~ 8590
that teachers, administrators, and other professional personnel 8591
be licensed by the state board of education and their assignment 8592
assigned according to training and qualifications; efficient and 8593
effective instructional materials and equipment, including 8594
library facilities; the proper organization, administration, and 8595
supervision of each school, including regulations for preparing 8596
all necessary records and reports and the preparation of a 8597
statement of policies and objectives for each school; the 8598
provision of safe buildings, grounds, health and sanitary 8599
facilities and services; admission of pupils, and such 8600
requirements for their promotion from grade to grade as will 8601
assure that they are capable and prepared for the level of study 8602
to which they are certified; and requirements for graduation, ~~—~~ 8603
~~and such other factors as the board finds necessary.~~ The minimum 8604
standards the director adopts under this section are limited to 8605
powers and duties that are expressly prescribed and authorized 8606
in statute. 8607

~~The state board~~ director shall base any standards 8608
governing the promotion of students or requirements for 8609
graduation on the ability of students, at any grade level, to 8610
earn credits or advance upon demonstration of mastery of 8611
knowledge and skills through competency-based learning models. 8612
Credits of grade level advancement shall not require a minimum 8613
number of days or hours in a classroom. 8614

~~The state board~~ director shall base any standards 8615
governing the assignment of staff on ensuring each school has a 8616
sufficient number of teachers to ensure a student has an 8617
appropriate level of interaction to meet each student's personal 8618

learning goals. 8619

In the formulation and administration of such standards 8620
for nonpublic schools the ~~board~~ director shall also consider the 8621
particular needs, methods and objectives of those schools, 8622
provided they do not conflict with the provision of a general 8623
education of a high quality and provided that regular procedures 8624
shall be followed for promotion from grade to grade of pupils 8625
who have met the educational requirements prescribed. 8626

(3) In addition to the minimum standards required by 8627
division (D) (2) of this section, the ~~state board~~ director may 8628
formulate and prescribe the following additional minimum 8629
operating standards for school districts: 8630

(a) Standards for the effective and efficient 8631
organization, administration, and supervision of each school 8632
district with a commitment to high expectations for every 8633
student based on the learning needs of each individual, 8634
including students with disabilities, economically disadvantaged 8635
students, English learners, and students identified as gifted, 8636
and commitment to closing the achievement gap without 8637
suppressing the achievement levels of higher achieving students 8638
so that all students achieve core knowledge and skills in 8639
accordance with the statewide academic standards adopted under 8640
section 3301.079 of the Revised Code; 8641

(b) Standards for the establishment of business advisory 8642
councils under section 3313.82 of the Revised Code; 8643

(c) Standards for school district buildings that may 8644
require the effective and efficient organization, 8645
administration, and supervision of each school district building 8646
with a commitment to high expectations for every student based 8647

on the learning needs of each individual, including students 8648
with disabilities, economically disadvantaged students, English 8649
learners, and students identified as gifted, and commitment to 8650
closing the achievement gap without suppressing the achievement 8651
levels of higher achieving students so that all students achieve 8652
core knowledge and skills in accordance with the statewide 8653
academic standards adopted under section 3301.079 of the Revised 8654
Code. 8655

(E) ~~The state board~~ director may require as part of the 8656
health curriculum information developed under section 2108.34 of 8657
the Revised Code promoting the donation of anatomical gifts 8658
pursuant to Chapter 2108. of the Revised Code and may provide 8659
the information to high schools, educational service centers, 8660
and joint vocational school district boards of education; 8661

(F) ~~The state board~~ director shall prepare and submit 8662
annually to the governor and the general assembly a report on 8663
the status, needs, and major problems of the public schools of 8664
the state, with recommendations for necessary legislative action 8665
and a ten-year projection of the state's public and nonpublic 8666
school enrollment, by year and by grade level. 8667

(G) ~~The state board~~ director shall prepare and submit to 8668
the director of budget and management the biennial budgetary 8669
requests of ~~the state board of education, for~~ department and its 8670
~~agencies divisions~~ and for the public schools of the state. 8671

(H) ~~The state board~~ director shall cooperate with federal, 8672
state, and local agencies concerned with the health and welfare 8673
of children and youth of the state. 8674

(I) ~~The state board~~ director shall require such reports 8675
from school districts and educational service centers, school 8676

officers, and employees as are necessary and desirable. The 8677
superintendents and treasurers of school districts and 8678
educational service centers shall certify as to the accuracy of 8679
all reports required by statutory law or ~~state board or state~~ 8680
~~department of education~~ director's rules to be submitted by the 8681
district or educational service center and which contain 8682
information necessary for calculation of state funding. Any 8683
superintendent who knowingly falsifies such report shall be 8684
subject to license revocation pursuant to section 3319.31 of the 8685
Revised Code. 8686

(J) In accordance with Chapter 119. of the Revised Code, 8687
the ~~state board~~ director shall adopt procedures, standards, and 8688
guidelines for the education of children with disabilities 8689
pursuant to Chapter 3323. of the Revised Code, including 8690
procedures, standards, and guidelines governing programs and 8691
services operated by county boards of developmental disabilities 8692
pursuant to section 3323.09 of the Revised Code. 8693

(K) For the purpose of encouraging the development of 8694
special programs of education for academically gifted children, 8695
the ~~state board~~ director shall employ competent persons to 8696
analyze and publish data, promote research, advise and counsel 8697
with boards of education, and encourage the training of teachers 8698
in the special instruction of gifted children. The ~~board~~ 8699
director may provide financial assistance out of any funds 8700
appropriated for this purpose to boards of education and 8701
educational service center governing boards for developing and 8702
conducting programs of education for academically gifted 8703
children. 8704

(L) The ~~state board~~ director shall require that all public 8705
schools emphasize and encourage, within existing units of study, 8706

the teaching of energy and resource conservation as recommended 8707
to each district board of education by leading business persons 8708
involved in energy production and conservation, beginning in the 8709
primary grades. 8710

(M) ~~The state board~~ director shall formulate and prescribe 8711
minimum standards requiring the use of phonics as a technique in 8712
the teaching of reading in grades kindergarten through three. In 8713
addition, ~~the state board~~ director shall provide in-service 8714
training programs for teachers on the use of phonics as a 8715
technique in the teaching of reading in grades kindergarten 8716
through three. 8717

(N) ~~The state board~~ director may adopt rules necessary for 8718
carrying out any function imposed on ~~it~~ the director by law, and 8719
may provide rules as are necessary for ~~its government~~ and the 8720
government of the department and its employees, and may delegate 8721
~~to the superintendent of public instruction~~ any deputy director 8722
the management and administration of any function imposed on ~~it~~ 8723
the director by law. ~~It may provide for the appointment of board~~ 8724
~~members to serve on temporary committees established by the~~ 8725
~~board for such purposes as are necessary. Permanent or standing~~ 8726
~~committees shall not be created.~~ 8727

(O) Upon application from the board of education of a 8728
school district, ~~the superintendent of public instruction~~ 8729
director may issue a waiver exempting the district from 8730
compliance with the standards adopted under divisions (B) (2) and 8731
(D) of this section, as they relate to the operation of a school 8732
operated by the district. ~~The state board~~ director shall adopt 8733
standards for the approval or disapproval of waivers under this 8734
division. ~~The state superintendent~~ director shall consider every 8735
application for a waiver, and shall determine whether to grant 8736

or deny a waiver in accordance with the ~~state board's~~ those 8737
standards. For each waiver granted, the ~~state superintendent~~ 8738
director shall specify the period of time during which the 8739
waiver is in effect, which shall not exceed five years. A 8740
district board may apply to renew a waiver. 8741

Sec. 3301.071. (A) (1) In the case of nontax-supported 8742
schools, standards for teacher certification prescribed under 8743
section 3301.07 of the Revised Code shall provide for 8744
certification, without further educational requirements, of any 8745
administrator, supervisor, or teacher who has attended and 8746
received a bachelor's degree from a college or university 8747
accredited by a national or regional association in the United 8748
States except that, at the discretion of the state board of 8749
education, this requirement may be met by having an equivalent 8750
degree from a foreign college or university of comparable 8751
standing. 8752

(2) In the case of nonchartered, nontax-supported schools, 8753
the standards for teacher certification prescribed under section 8754
3301.07 of the Revised Code shall provide for certification, 8755
without further educational requirements, of any administrator, 8756
supervisor, or teacher who has attended and received a diploma 8757
from a "bible college" or "bible institute" described in 8758
division (E) of section 1713.02 of the Revised Code. 8759

(3) A certificate issued under division (A) (3) of this 8760
section shall be valid only for teaching foreign language, 8761
music, religion, computer technology, or fine arts. 8762

Notwithstanding division (A) (1) of this section, the 8763
standards for teacher certification prescribed under section 8764
3301.07 of the Revised Code shall provide for certification of a 8765
person as a teacher upon receipt by the state board of an 8766

affidavit signed by the chief administrative officer of a 8767
chartered nonpublic school seeking to employ the person, stating 8768
that the person meets one of the following conditions: 8769

(a) The person has specialized knowledge, skills, or 8770
expertise that qualifies the person to provide instruction. 8771

(b) The person has provided to the chief administrative 8772
officer evidence of at least three years of teaching experience 8773
in a public or nonpublic school. 8774

(c) The person has provided to the chief administrative 8775
officer evidence of completion of a teacher training program 8776
named in the affidavit. 8777

(B) Each person applying for a certificate under this 8778
section for purposes of serving in a nonpublic school chartered 8779
by the ~~state board~~ director of education and workforce under 8780
section 3301.16 of the Revised Code shall pay a fee in the 8781
amount established under division (A) of section 3319.51 of the 8782
Revised Code. Any fees received under this division shall be 8783
paid into the state treasury to the credit of the state board of 8784
education certification fund established under division (B) of 8785
section 3319.51 of the Revised Code. 8786

(C) A person applying for or holding any certificate 8787
pursuant to this section for purposes of serving in a nonpublic 8788
school chartered by the ~~state board~~ director is subject to 8789
sections 3123.41 to 3123.50 of the Revised Code and any 8790
applicable rules adopted under section 3123.63 of the Revised 8791
Code and sections 3319.31 and 3319.311 of the Revised Code. 8792

(D) Divisions (B) and (C) of this section and sections 8793
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 8794
to any administrators, supervisors, or teachers in nonchartered, 8795

nontax-supported schools. 8796

Sec. 3301.072. ~~The state board~~ department of education and 8797
workforce shall establish continuing programs of in-service 8798
training in school district budget and finance for 8799
superintendents of schools or their designees, business 8800
managers, members of boards of education, and treasurers of 8801
boards of education for the purpose of enhancing their 8802
background and working knowledge of government accounting, state 8803
and federal laws relating to school district budgeting and 8804
financing, financial report preparation, rules of the auditor of 8805
state, and budget and accounting management. 8806

The manner and content of each training program shall be 8807
determined and provided by the ~~state board of education~~ 8808
department after consultation with the department of taxation 8809
and the auditor of state. The ~~state board~~ department may enter 8810
into contracts with the department of taxation and the auditor 8811
of state to supply, at cost, any assistance required to enable 8812
the ~~board~~ department of education and workforce to perform its 8813
duties under this section. 8814

Each school district superintendent or ~~his~~ designee of a 8815
superintendent, treasurer or treasurer pro tempore, and business 8816
manager shall attend one training program provided under this 8817
section each year. 8818

Sec. 3301.075. ~~The state board~~ director of education and 8819
workforce shall adopt rules governing the purchasing and leasing 8820
of data processing services and equipment for all local, 8821
exempted village, city, and joint vocational school districts 8822
and all educational service centers. Such rules shall include 8823
provisions for the establishment of an Ohio education computer 8824
network under procedures, guidelines, and specifications of the 8825

department of education and workforce. 8826

The department shall administer funds appropriated for the 8827
Ohio education computer network to ensure its efficient and 8828
economical operation and shall approve no more than twenty-seven 8829
information technology centers to operate concurrently. Such 8830
centers shall be approved for funding in accordance with rules- 8831
~~of the state board~~ adopted under this section that shall ~~provide~~ 8832
~~for the superintendent of public instruction~~ to require the 8833
membership of each information technology center to be composed 8834
of combinations of school districts and educational service 8835
centers having sufficient students to support an efficient, 8836
economical comprehensive program of computer services to member 8837
districts and educational service centers. However, no such rule 8838
shall prohibit a school district or educational service center 8839
from receiving computer services from any information technology 8840
center established under this section or from any other public 8841
or private vendor. Each information technology center shall be 8842
organized in accordance with section 3313.92 or Chapter 167. of 8843
the Revised Code. 8844

The department may approve and administer funding for 8845
programs to provide technical support, maintenance, consulting, 8846
and group purchasing services for information technology 8847
centers, school districts, educational service centers, and 8848
other client entities or governmental entities served in 8849
accordance with rules adopted by the department or as otherwise 8850
authorized by law, and to deliver to schools programs operated 8851
by the infOhio network and the technology solutions group of the 8852
management council of the Ohio education computer network. 8853

Sec. 3301.076. No information technology center 8854
established under section 3301.075 of the Revised Code shall be 8855

required to maintain an operating reserve account or fund or 8856
minimum cash balance. This section does not affect any sinking 8857
fund or other capital improvement fund the center may be 8858
required to maintain as a condition by law or contract relative 8859
to the issuance of securities. Any rule ~~of the state board of~~ 8860
~~education~~ or other regulation or guideline of the department of 8861
education and workforce that conflicts with this section is 8862
void. 8863

Sec. 3301.078. (A) No official or board of this state, 8864
whether appointed or elected, shall enter into any agreement or 8865
memorandum of understanding with any federal or private entity 8866
that would require the state to cede any measure of control over 8867
the development, adoption, or revision of academic content 8868
standards. 8869

(B) No funds appropriated from the general revenue fund 8870
shall be used to purchase an assessment developed by the 8871
partnership for assessment of readiness for college and careers 8872
for use as the assessments prescribed under sections 3301.0710 8873
and 3301.0712 of the Revised Code. 8874

(C) The department of education and workforce shall 8875
request that each assessment vendor contracted by the department 8876
provide an analysis explaining how questions on each of the 8877
assessments prescribed under section 3301.0710 of the Revised 8878
Code and the end-of-course examinations prescribed under 8879
division (B) (2) of section 3301.0712 of the Revised Code 8880
developed by that vendor are aligned to the academic content 8881
standards adopted under section 3301.079 of the Revised Code. 8882
The analysis shall be provided annually to all school districts 8883
and schools for all grade levels for which assessments are 8884
prescribed under sections 3301.0710 and 3301.0712 of the Revised 8885

Code. ~~The analysis shall be produced beginning with the 2019-~~ 8886
~~2020 school year and for each school year thereafter.~~ 8887

(D) The department shall request that each assessment 8888
vendor described in division (C) of this section provide 8889
information and materials to school districts and schools for 8890
assistance with the state achievement assessments. The 8891
information and materials shall include practice assessments and 8892
other preparatory materials. The information and materials shall 8893
be distributed annually to districts and schools ~~beginning with~~ 8894
~~the 2019-2020 school year and for each school year thereafter.~~ 8895

Sec. 3301.079. (A) (1) The ~~state board~~ department of 8896
education and workforce periodically shall adopt statewide 8897
academic standards with emphasis on coherence, focus, and 8898
essential knowledge and that are more challenging and demanding 8899
when compared to international standards for each of grades 8900
kindergarten through twelve in English language arts, 8901
mathematics, science, and social studies. 8902

(a) The ~~state board~~ department shall ensure that the 8903
standards do all of the following: 8904

(i) Include the essential academic content and skills that 8905
students are expected to know and be able to do at each grade 8906
level that will allow each student to be prepared for 8907
postsecondary instruction and the workplace for success in the 8908
twenty-first century; 8909

(ii) Include the development of skill sets that promote 8910
information, media, and technological literacy; 8911

(iii) Include interdisciplinary, project-based, real-world 8912
learning opportunities; 8913

(iv) Instill life-long learning by providing essential 8914

knowledge and skills based in the liberal arts tradition, as 8915
well as science, technology, engineering, mathematics, and 8916
career-technical education; 8917

(v) Be clearly written, transparent, and understandable by 8918
parents, educators, and the general public. 8919

(b) ~~Not later than July 1, 2012, the state board~~ The 8920
department shall incorporate into the social studies standards 8921
for grades four to twelve academic content regarding the 8922
original texts of the Declaration of Independence, the Northwest 8923
Ordinance, the Constitution of the United States and its 8924
amendments, with emphasis on the Bill of Rights, and the Ohio 8925
Constitution, and their original context. ~~The state board~~ 8926
department shall revise the model curricula and achievement 8927
assessments adopted under divisions (B) and (C) of this section 8928
as necessary to reflect the additional American history and 8929
American government content. ~~The state board~~ department shall 8930
make available a list of suggested grade-appropriate 8931
supplemental readings that place the documents prescribed by 8932
this division in their historical context, which teachers may 8933
use as a resource to assist students in reading the documents 8934
within that context. 8935

(c) When the ~~state board~~ department adopts or revises 8936
academic content standards in social studies, American history, 8937
American government, or science under division (A) (1) of this 8938
section, ~~the state board~~ it shall develop such standards 8939
independently and not as part of a multistate consortium. 8940

(2) After completing the standards required by division 8941
(A) (1) of this section, the ~~state board~~ department shall adopt 8942
standards and model curricula for instruction in technology, 8943
financial literacy and entrepreneurship, fine arts, and foreign 8944

language for grades kindergarten through twelve. The standards 8945
shall meet the same requirements prescribed in division (A) (1) 8946
(a) of this section. 8947

(3) The ~~state board~~ department shall adopt the most recent 8948
standards developed by the national association for sport and 8949
physical education for physical education in grades kindergarten 8950
through twelve or shall adopt its own standards for physical 8951
education in those grades and revise and update them 8952
periodically. 8953

The department ~~of education~~ shall employ a full-time 8954
physical education coordinator to provide guidance and technical 8955
assistance to districts, community schools, and STEM schools in 8956
implementing the physical education standards adopted under this 8957
division. The ~~superintendent director of public instruction~~ 8958
education and workforce shall determine that the person employed 8959
as coordinator is qualified for the position, as demonstrated by 8960
possessing an adequate combination of education, license, and 8961
experience. 8962

(4) ~~Not later than September 30, 2022, the state board~~ The 8963
department shall update the standards and model curriculum for 8964
instruction in computer science in grades kindergarten through 8965
twelve, which shall include standards for introductory and 8966
advanced computer science courses in grades nine through twelve. 8967
When developing the standards and curriculum, the ~~state board~~ 8968
department shall consider recommendations from computer science 8969
education stakeholder groups, including teachers and 8970
representatives from higher education, industry, computer 8971
science organizations in Ohio, and national computer science 8972
organizations. 8973

Any district or school may utilize the computer science 8974

standards or model curriculum or any part thereof adopted 8975
pursuant to division (A) (4) of this section. However, no 8976
district or school shall be required to utilize all or any part 8977
of the standards or curriculum. 8978

(5) When academic standards have been completed for any 8979
subject area required by this section, the ~~state board~~ 8980
department shall inform all school districts, all community 8981
schools established under Chapter 3314. of the Revised Code, all 8982
STEM schools established under Chapter 3326. of the Revised 8983
Code, and all nonpublic schools required to administer the 8984
assessments prescribed by sections 3301.0710 and 3301.0712 of 8985
the Revised Code of the content of those standards. 8986
Additionally, upon completion of any academic standards under 8987
this section, the department shall post those standards on the 8988
department's web site. 8989

(B) (1) The ~~state board~~ department shall adopt a model 8990
curriculum for instruction in each subject area for which 8991
updated academic standards are required by division (A) (1) of 8992
this section and for each of grades kindergarten through twelve 8993
that is sufficient to meet the needs of students in every 8994
community. The model curriculum shall be aligned with the 8995
standards, to ensure that the academic content and skills 8996
specified for each grade level are taught to students, and shall 8997
demonstrate vertical articulation and emphasize coherence, 8998
focus, and rigor. When any model curriculum has been completed, 8999
the ~~state board~~ department shall inform all school districts, 9000
community schools, and STEM schools of the content of that model 9001
curriculum. 9002

(2) ~~Not later than June 30, 2013, the state board, in~~ 9003
~~consultation with any office housed in the governor's office~~ 9004

~~that deals with workforce development, The department, in~~ 9005
consultation with the governor's office of workforce 9006
transformation, shall adopt model curricula for grades 9007
kindergarten through twelve that embed career connection 9008
learning strategies into regular classroom instruction. 9009

(3) All school districts, community schools, and STEM 9010
schools may utilize the state standards and the model curriculum 9011
established by the ~~state board~~department, together with other 9012
relevant resources, examples, or models to ensure that students 9013
have the opportunity to attain the academic standards. Upon 9014
request, the department shall provide technical assistance to 9015
any district, community school, or STEM school in implementing 9016
the model curriculum. 9017

Nothing in this section requires any school district to 9018
utilize all or any part of a model curriculum developed under 9019
this section. 9020

(C) The ~~state board~~department shall develop achievement 9021
assessments aligned with the academic standards and model 9022
curriculum for each of the subject areas and grade levels 9023
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 9024
the Revised Code. 9025

When any achievement assessment has been completed, the 9026
~~state board~~department shall inform all school districts, 9027
community schools, STEM schools, and nonpublic schools required 9028
to administer the assessment of its completion, and the 9029
department shall make the achievement assessment available to 9030
the districts and schools. 9031

(D) (1) The ~~state board~~department shall adopt a diagnostic 9032
assessment aligned with the academic standards and model 9033

curriculum for each of grades kindergarten through two in 9034
reading, writing, and mathematics and for grade three in reading 9035
and writing. The diagnostic assessment shall be designed to 9036
measure student comprehension of academic content and mastery of 9037
related skills for the relevant subject area and grade level. 9038
Any diagnostic assessment shall not include components to 9039
identify gifted students. Blank copies of diagnostic assessments 9040
shall be public records. 9041

(2) When each diagnostic assessment has been completed, 9042
the ~~state board~~ department shall inform all school districts of 9043
its completion and ~~the department~~ shall make the diagnostic 9044
assessment available to the districts at no cost to the 9045
district. 9046

(3) School districts shall administer the diagnostic 9047
assessment pursuant to section 3301.0715 of the Revised Code 9048
beginning the first school year following the development of the 9049
assessment. 9050

However, beginning with the 2017-2018 school year, both of 9051
the following shall apply: 9052

(a) In the case of the diagnostic assessments for grades 9053
one or two in writing or mathematics or for grade three in 9054
writing, a school district shall not be required to administer 9055
any such assessment, but may do so at the discretion of the 9056
district board; 9057

(b) In the case of any diagnostic assessment that is not 9058
for the grade levels and subject areas specified in division (D) 9059
(3)(a) of this section, each school district shall administer 9060
the assessment in the manner prescribed by section 3301.0715 of 9061
the Revised Code. 9062

(E) The ~~state board~~ department shall not adopt a 9063
diagnostic or achievement assessment for any grade level or 9064
subject area other than those specified in this section. 9065

(F) Whenever the ~~state board or the~~ department consults 9066
with persons for the purpose of drafting or reviewing any 9067
standards, diagnostic assessments, achievement assessments, or 9068
model curriculum required under this section, the ~~state board or~~ 9069
~~the~~ department shall first consult with parents of students in 9070
kindergarten through twelfth grade and with active Ohio 9071
classroom teachers, other school personnel, and administrators 9072
with expertise in the appropriate subject area. Whenever 9073
practicable, the ~~state board and~~ department shall consult with 9074
teachers recognized as outstanding in their fields. 9075

If the department contracts with more than one outside 9076
entity for the development of the achievement assessments 9077
required by this section, the department shall ensure the 9078
interchangeability of those assessments. 9079

(G) Whenever the ~~state board~~ department adopts standards 9080
or model curricula under this section, the department also shall 9081
provide information on the use of blended, online, or digital 9082
learning in the delivery of the standards or curricula to 9083
students in accordance with division (A) (5) of this section. 9084

(H) The fairness sensitivity review committee, ~~established~~ 9085
~~by rule of the state board of education,~~ of the department shall 9086
not allow any question on any achievement or diagnostic 9087
assessment developed under this section or any proficiency test 9088
prescribed by former section 3301.0710 of the Revised Code, as 9089
it existed prior to September 11, 2001, to include, be written 9090
to promote, or inquire as to individual moral or social values 9091
or beliefs. The decision of the committee shall be final. This 9092

section does not create a private cause of action. 9093

(I) Not later than sixty days prior to the adoption ~~by the~~ 9094
~~state board~~ of updated academic standards under division (A) (1) 9095
of this section or updated model curricula under division (B) (1) 9096
of this section, the ~~superintendent~~ director of ~~public~~ 9097
~~instruction~~ education and workforce shall present the academic 9098
standards or model curricula, as applicable, in person at a 9099
public hearing of the respective committees of the house of 9100
representatives and senate that consider education legislation. 9101

(J) As used in this section: 9102

(1) "Blended learning" means the delivery of instruction 9103
in a combination of time primarily in a supervised physical 9104
location away from home and online delivery whereby the student 9105
has some element of control over time, place, path, or pace of 9106
learning and includes noncomputer-based learning opportunities. 9107

(2) "Online learning" means students work primarily from 9108
their residences on assignments delivered via an internet- or 9109
other computer-based instructional method. 9110

(3) "Coherence" means a reflection of the structure of the 9111
discipline being taught. 9112

(4) "Digital learning" means learning facilitated by 9113
technology that gives students some element of control over 9114
time, place, path, or pace of learning. 9115

(5) "Focus" means limiting the number of items included in 9116
a curriculum to allow for deeper exploration of the subject 9117
matter. 9118

(6) "Vertical articulation" means key academic concepts 9119
and skills associated with mastery in particular content areas 9120

should be articulated and reinforced in a developmentally 9121
appropriate manner at each grade level so that over time 9122
students acquire a depth of knowledge and understanding in the 9123
core academic disciplines. 9124

Sec. 3301.0710. ~~The state board~~ department of education 9125
and workforce shall adopt rules establishing a statewide program 9126
to assess student achievement. ~~The state board~~ department shall 9127
ensure that all assessments administered under the program are 9128
aligned with the academic standards and model curricula adopted 9129
by the ~~state board~~ department and are created with input from 9130
Ohio parents, Ohio classroom teachers, Ohio school 9131
administrators, and other Ohio school personnel pursuant to 9132
section 3301.079 of the Revised Code. 9133

The assessment program shall be designed to ensure that 9134
students who receive a high school diploma demonstrate at least 9135
high school levels of achievement in English language arts, 9136
mathematics, science, and social studies. 9137

(A) (1) ~~The state board~~ department shall prescribe all of 9138
the following: 9139

(a) Two statewide achievement assessments, one each 9140
designed to measure the level of English language arts and 9141
mathematics skill expected at the end of third grade; 9142

(b) Two statewide achievement assessments, one each 9143
designed to measure the level of English language arts and 9144
mathematics skill expected at the end of fourth grade; 9145

(c) Three statewide achievement assessments, one each 9146
designed to measure the level of English language arts, 9147
mathematics, and science skill expected at the end of fifth 9148
grade; 9149

(d) Two statewide achievement assessments, one each 9150
designed to measure the level of English language arts and 9151
mathematics skill expected at the end of sixth grade; 9152

(e) Two statewide achievement assessments, one each 9153
designed to measure the level of English language arts and 9154
mathematics skill expected at the end of seventh grade; 9155

(f) Three statewide achievement assessments, one each 9156
designed to measure the level of English language arts, 9157
mathematics, and science skill expected at the end of eighth 9158
grade. 9159

(2) ~~The state board~~ department shall determine and 9160
designate at least five ranges of scores on each of the 9161
achievement assessments described in divisions (A) (1) and (B) (1) 9162
of this section. Each range of scores shall be deemed to 9163
demonstrate a level of achievement so that any student attaining 9164
a score within such range has achieved one of the following: 9165

(a) An advanced level of skill; 9166

(b) An accomplished level of skill; 9167

(c) A proficient level of skill; 9168

(d) A basic level of skill; 9169

(e) A limited level of skill. 9170

(3) For the purpose of implementing division (A) of 9171
section 3313.608 of the Revised Code, ~~the state board~~ department 9172
shall determine and designate a level of achievement, not lower 9173
than the level designated in division (A) (2) (e) of this section, 9174
on the third grade English language arts assessment for a 9175
student to be promoted to the fourth grade. ~~The state board~~ 9176
department shall review and adjust upward the level of 9177

achievement designated under this division each year the test is 9178
administered until the level is set equal to the level 9179
designated in division (A) (2) (c) of this section. The level of 9180
achievement designated under this division shall be equal to the 9181
level designated in division (A) (2) (c) of this section not later 9182
than July 1, 2024. 9183

(4) Each school district or school shall teach and assess 9184
social studies in at least the fourth and sixth grades. Any 9185
assessment in such area shall be determined by the district or 9186
school and may be formative or summative in nature. The results 9187
of such assessment shall not be reported to the department ~~of~~ 9188
education. 9189

(B) (1) The assessments prescribed under division (B) (1) of 9190
this section shall collectively be known as the Ohio graduation 9191
tests. ~~The state board shall prescribe~~ Those tests shall consist 9192
of five statewide high school achievement assessments, one each 9193
designed to measure the level of reading, writing, mathematics, 9194
science, and social studies skill expected at the end of tenth 9195
grade. The ~~state board~~ department shall designate a score in at 9196
least the range designated under division (A) (2) (c) of this 9197
section on each such assessment that shall be deemed to be a 9198
passing score on the assessment as a condition toward granting 9199
high school diplomas under sections 3313.61, 3313.611, 3313.612, 9200
and 3325.08 of the Revised Code until the assessment system 9201
prescribed by section 3301.0712 of the Revised Code is 9202
implemented in accordance with division (B) (2) of this section. 9203

(2) ~~The state board~~ department shall prescribe an 9204
assessment system in accordance with section 3301.0712 of the 9205
Revised Code that shall replace the Ohio graduation tests 9206
beginning with students who enter the ninth grade for the first 9207

time on or after July 1, 2014. 9208

(3) ~~The state board~~ department may enter into a reciprocal 9209
agreement with the appropriate body or agency of any other state 9210
that has similar statewide achievement assessment requirements 9211
for receiving high school diplomas, under which any student who 9212
has met an achievement assessment requirement of one state is 9213
recognized as having met the similar requirement of the other 9214
state for purposes of receiving a high school diploma. For 9215
purposes of this section and sections 3301.0711 and 3313.61 of 9216
the Revised Code, any student enrolled in any public high school 9217
in this state who has met an achievement assessment requirement 9218
specified in a reciprocal agreement entered into under this 9219
division shall be deemed to have attained at least the 9220
applicable score designated under this division on each 9221
assessment required by division (B)(1) or (2) of this section 9222
that is specified in the agreement. 9223

(C) ~~The superintendent of public instruction~~ director of 9224
education and workforce shall designate dates and times for the 9225
administration of the assessments prescribed by divisions (A) 9226
and (B) of this section. 9227

In prescribing administration dates pursuant to this 9228
division, ~~the superintendent~~ director shall designate the dates 9229
in such a way as to allow a reasonable length of time between 9230
the administration of assessments prescribed under this section 9231
and any administration of the national assessment of educational 9232
progress given to students in the same grade level pursuant to 9233
section 3301.27 of the Revised Code or federal law. 9234

(D) ~~The state board~~ department shall prescribe a practice 9235
version of each Ohio graduation test described in division (B) 9236
(1) of this section that is of comparable length to the actual 9237

test. 9238

(E) Any committee established by the department ~~of~~ 9239
~~education~~ for the purpose of making recommendations ~~to the state~~ 9240
~~board~~ regarding the ~~state board's~~ designation of scores on the 9241
assessments described by this section shall inform the ~~state~~ 9242
~~board~~ department of the probable percentage of students who 9243
would score in each of the ranges established under division (A) 9244
(2) of this section on the assessments if the committee's 9245
recommendations are adopted by the ~~state board~~ department. To 9246
the extent possible, these percentages shall be disaggregated by 9247
gender, major racial and ethnic groups, English learners, 9248
economically disadvantaged students, students with disabilities, 9249
and migrant students. 9250

Sec. 3301.0711. (A) The department of education and 9251
workforce shall: 9252

(1) Annually furnish to, grade, and score all assessments 9253
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 9254
the Revised Code to be administered by city, local, exempted 9255
village, and joint vocational school districts, except that each 9256
district shall score any assessment administered pursuant to 9257
division (B)(10) of this section. Each assessment so furnished 9258
shall include the data verification code of the student to whom 9259
the assessment will be administered, as assigned pursuant to 9260
division (D)(2) of section 3301.0714 of the Revised Code. In 9261
furnishing the practice versions of Ohio graduation tests 9262
prescribed by division (D) of section 3301.0710 of the Revised 9263
Code, the department shall make the tests available on its web 9264
site for reproduction by districts. In awarding contracts for 9265
grading assessments, the department shall give preference to 9266
Ohio-based entities employing Ohio residents. 9267

(2) Adopt rules for the ethical use of assessments and 9268
prescribing the manner in which the assessments prescribed by 9269
section 3301.0710 of the Revised Code shall be administered to 9270
students. 9271

(B) Except as provided in divisions (C) and (J) of this 9272
section, the board of education of each city, local, and 9273
exempted village school district shall, in accordance with rules 9274
adopted under division (A) of this section: 9275

(1) Administer the English language arts assessments 9276
prescribed under division (A) (1) (a) of section 3301.0710 of the 9277
Revised Code twice annually to all students in the third grade 9278
who have not attained the score designated for that assessment 9279
under division (A) (2) (c) of section 3301.0710 of the Revised 9280
Code. 9281

(2) Administer the mathematics assessment prescribed under 9282
division (A) (1) (a) of section 3301.0710 of the Revised Code at 9283
least once annually to all students in the third grade. 9284

(3) Administer the assessments prescribed under division 9285
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 9286
annually to all students in the fourth grade. 9287

(4) Administer the assessments prescribed under division 9288
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 9289
annually to all students in the fifth grade. 9290

(5) Administer the assessments prescribed under division 9291
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 9292
annually to all students in the sixth grade. 9293

(6) Administer the assessments prescribed under division 9294
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 9295
annually to all students in the seventh grade. 9296

(7) Administer the assessments prescribed under division 9297
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 9298
annually to all students in the eighth grade. 9299

(8) Except as provided in division (B) (9) of this section, 9300
administer any assessment prescribed under division (B) (1) of 9301
section 3301.0710 of the Revised Code as follows: 9302

(a) At least once annually to all tenth grade students and 9303
at least twice annually to all students in eleventh or twelfth 9304
grade who have not yet attained the score on that assessment 9305
designated under that division; 9306

(b) To any person who has successfully completed the 9307
curriculum in any high school or the individualized education 9308
program developed for the person by any high school pursuant to 9309
section 3323.08 of the Revised Code but has not received a high 9310
school diploma and who requests to take such assessment, at any 9311
time such assessment is administered in the district. 9312

(9) In lieu of the board of education of any city, local, 9313
or exempted village school district in which the student is also 9314
enrolled, the board of a joint vocational school district shall 9315
administer any assessment prescribed under division (B) (1) of 9316
section 3301.0710 of the Revised Code at least twice annually to 9317
any student enrolled in the joint vocational school district who 9318
has not yet attained the score on that assessment designated 9319
under that division. A board of a joint vocational school 9320
district may also administer such an assessment to any student 9321
described in division (B) (8) (b) of this section. 9322

(10) If the district has a three-year average graduation 9323
rate of not more than seventy-five per cent, administer each 9324
assessment prescribed by division (D) of section 3301.0710 of 9325

the Revised Code in September to all ninth grade students who 9326
entered ninth grade prior to July 1, 2014. 9327

Except as provided in section 3313.614 of the Revised Code 9328
for administration of an assessment to a person who has 9329
fulfilled the curriculum requirement for a high school diploma 9330
but has not passed one or more of the required assessments, the 9331
assessments prescribed under division (B) (1) of section 9332
3301.0710 of the Revised Code shall not be administered after 9333
the date specified in the rules adopted ~~by the state board of~~ 9334
~~education~~ under division (D) (1) of section 3301.0712 of the 9335
Revised Code. 9336

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 9337
of this section, administer the assessments prescribed by 9338
division (B) (2) of section 3301.0710 and section 3301.0712 of 9339
the Revised Code in accordance with the timeline and plan for 9340
implementation of those assessments prescribed by rule ~~of the~~ 9341
~~state board~~ adopted under division (D) (1) of section 3301.0712 9342
of the Revised Code; 9343

(b) A student who has presented evidence to the district 9344
or school of having satisfied the condition prescribed by 9345
division (A) (1) of section 3313.618 of the Revised Code to 9346
qualify for a high school diploma prior to the date of the 9347
administration of the assessment prescribed under division (B) 9348
(1) of section 3301.0712 of the Revised Code shall not be 9349
required to take that assessment. However, no board shall 9350
prohibit a student who is not required to take such assessment 9351
from taking the assessment. 9352

(c) A student shall not be required to retake the Algebra 9353
I end-of-course examination or the English language arts II end- 9354
of-course examination prescribed under division (B) (2) of 9355

section 3301.0712 of the Revised Code in grades nine through 9356
twelve if the student demonstrates at least a proficient level 9357
of skill, as prescribed under division (B)(5)(a) of that 9358
section, or achieves a competency score, as prescribed under 9359
division (B)(10) of that section, in an administration of the 9360
examination prior to grade nine. 9361

(C)(1)(a) In the case of a student receiving special 9362
education services under Chapter 3323. of the Revised Code, the 9363
individualized education program developed for the student under 9364
that chapter shall specify the manner in which the student will 9365
participate in the assessments administered under this section, 9366
except that a student with significant cognitive disabilities to 9367
whom an alternate assessment is administered in accordance with 9368
division (C)(1) of this section and a student determined to have 9369
a disability that includes an intellectual disability as 9370
outlined in guidance issued by the department shall not be 9371
required to take the assessment prescribed under division (B)(1) 9372
of section 3301.0712 of the Revised Code. The individualized 9373
education program may excuse the student from taking any 9374
particular assessment required to be administered under this 9375
section if it instead specifies an alternate assessment method 9376
approved by the department ~~of education~~ as conforming to 9377
requirements of federal law for receipt of federal funds for 9378
disadvantaged pupils. To the extent possible, the individualized 9379
education program shall not excuse the student from taking an 9380
assessment unless no reasonable accommodation can be made to 9381
enable the student to take the assessment. No board shall 9382
prohibit a student who is not required to take an assessment 9383
under division (C)(1) of this section from taking the 9384
assessment. 9385

(b) Any alternate assessment approved by the department 9386

for a student under this division shall produce measurable 9387
results comparable to those produced by the assessment it 9388
replaces in order to allow for the student's results to be 9389
included in the data compiled for a school district or building 9390
under section 3302.03 of the Revised Code. 9391

(c) (i) Any student enrolled in a chartered nonpublic 9392
school who has been identified, based on an evaluation conducted 9393
in accordance with section 3323.03 of the Revised Code or 9394
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 9395
29 U.S.C.A. 794, as amended, as a child with a disability shall 9396
be excused from taking any particular assessment required to be 9397
administered under this section if either of the following 9398
apply: 9399

(I) A plan developed for the student pursuant to rules 9400
adopted by the ~~state board~~ department excuses the student from 9401
taking that assessment. 9402

(II) The chartered nonpublic school develops a written 9403
plan in which the school, in consultation with the student's 9404
parents, determines that an assessment or alternative assessment 9405
with accommodations does not accurately assess the student's 9406
academic performance. The plan shall include an academic profile 9407
of the student's academic performance and shall be reviewed 9408
annually to determine if the student's needs continue to require 9409
excusal from taking the assessment. 9410

(ii) A student with significant cognitive disabilities to 9411
whom an alternate assessment is administered in accordance with 9412
division (C) (1) of this section and a student determined to have 9413
a disability that includes an intellectual disability as 9414
outlined in guidance issued by the department shall not be 9415
required to take the assessment prescribed under division (B) (1) 9416

of section 3301.0712 of the Revised Code. 9417

(iii) In the case of any student so excused from taking an 9418
assessment under division (C) (1) (c) of this section, the 9419
chartered nonpublic school shall not prohibit the student from 9420
taking the assessment. 9421

(2) A district board may, for medical reasons or other 9422
good cause, excuse a student from taking an assessment 9423
administered under this section on the date scheduled, but that 9424
assessment shall be administered to the excused student not 9425
later than nine days following the scheduled date. The district 9426
board shall annually report the number of students who have not 9427
taken one or more of the assessments required by this section to 9428
~~the state board~~ department not later than the thirtieth day of 9429
June. 9430

(3) As used in this division, "English learner" has the 9431
same meaning as in 20 U.S.C. 7801. 9432

No school district board shall excuse any English learner 9433
from taking any particular assessment required to be 9434
administered under this section, except as follows: 9435

(a) Any English learner who has been enrolled in United 9436
States schools for less than two years and for whom no 9437
appropriate accommodations are available based on guidance 9438
issued by the department shall not be required to take the 9439
assessment prescribed under division (B) (1) of section 3301.0712 9440
of the Revised Code. 9441

(b) Any English learner who has been enrolled in United 9442
States schools for less than one full school year shall not be 9443
required to take any reading, writing, or English language arts 9444
assessment. 9445

However, no board shall prohibit an English learner who is 9446
not required to take an assessment under division (C) (3) of this 9447
section from taking the assessment. A board may permit any 9448
English learner to take an assessment required to be 9449
administered under this section with appropriate accommodations, 9450
as determined by the department. For each English learner, each 9451
school district shall annually assess that student's progress in 9452
learning English, in accordance with procedures approved by the 9453
department. 9454

(4) (a) The governing authority of a chartered nonpublic 9455
school may excuse an English learner from taking any assessment 9456
administered under this section. 9457

(b) No governing authority shall require an English 9458
learner who has been enrolled in United States schools for less 9459
than two years and for whom no appropriate accommodations are 9460
available based on guidance issued by the department to take the 9461
assessment prescribed under division (B) (1) of section 3301.0712 9462
of the Revised Code. 9463

(c) No governing authority shall prohibit an English 9464
learner from taking an assessment from which the student was 9465
excused under division (C) (4) of this section. 9466

(D) (1) In the school year next succeeding the school year 9467
in which the assessments prescribed by division (A) (1) or (B) (1) 9468
of section 3301.0710 of the Revised Code or former division (A) 9469
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 9470
it existed prior to September 11, 2001, are administered to any 9471
student, the board of education of any school district in which 9472
the student is enrolled in that year shall provide to the 9473
student intervention services commensurate with the student's 9474
performance, including any intensive intervention required under 9475

section 3313.608 of the Revised Code, in any skill in which the 9476
student failed to demonstrate at least a score at the proficient 9477
level on the assessment. 9478

(2) Following any administration of the assessments 9479
prescribed by division (D) of section 3301.0710 of the Revised 9480
Code to ninth grade students, each school district that has a 9481
three-year average graduation rate of not more than seventy-five 9482
per cent shall determine for each high school in the district 9483
whether the school shall be required to provide intervention 9484
services to any students who took the assessments. In 9485
determining which high schools shall provide intervention 9486
services based on the resources available, the district shall 9487
consider each school's graduation rate and scores on the 9488
practice assessments. The district also shall consider the 9489
scores received by ninth grade students on the English language 9490
arts and mathematics assessments prescribed under division (A) 9491
(1) (f) of section 3301.0710 of the Revised Code in the eighth 9492
grade in determining which high schools shall provide 9493
intervention services. 9494

Each high school selected to provide intervention services 9495
under this division shall provide intervention services to any 9496
student whose results indicate that the student is failing to 9497
make satisfactory progress toward being able to attain scores at 9498
the proficient level on the Ohio graduation tests. Intervention 9499
services shall be provided in any skill in which a student 9500
demonstrates unsatisfactory progress and shall be commensurate 9501
with the student's performance. Schools shall provide the 9502
intervention services prior to the end of the school year, 9503
during the summer following the ninth grade, in the next 9504
succeeding school year, or at any combination of those times. 9505

(E) Except as provided in section 3313.608 of the Revised Code and division (N) of this section, no school district board of education shall utilize any student's failure to attain a specified score on an assessment administered under this section as a factor in any decision to deny the student promotion to a higher grade level. However, a district board may choose not to promote to the next grade level any student who does not take an assessment administered under this section or make up an assessment as provided by division (C) (2) of this section and who is not exempt from the requirement to take the assessment under division (C) (3) of this section.

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G) (1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B) (1) of this section and those administered under divisions (B) (2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments as follows:

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades 9535
kindergarten through twelve during the first full school week of 9536
October was seven thousand or more, not later than the Tuesday 9537
after all of the assessments have been administered. 9538

However, any assessment that a student takes during the 9539
make-up period described in division (C) (2) of this section 9540
shall be submitted not later than the Friday following the day 9541
the student takes the assessment. 9542

(2) The department or an entity with which the department 9543
contracts for the scoring of the assessment shall send to each 9544
school district board a list of the individual scores of all 9545
persons taking a state achievement assessment as follows: 9546

(a) Except as provided in division (G) (2) (b) or (c) of 9547
this section, within forty-five days after the administration of 9548
the assessments prescribed by sections 3301.0710 and 3301.0712 9549
of the Revised Code, but in no case shall the scores be returned 9550
later than the thirtieth day of June following the 9551
administration; 9552

(b) In the case of the third-grade English language arts 9553
assessment, within forty-five days after the administration of 9554
that assessment, but in no case shall the scores be returned 9555
later than the fifteenth day of June following the 9556
administration; 9557

(c) In the case of the writing component of an assessment 9558
or end-of-course examination in the area of English language 9559
arts, except for the third-grade English language arts 9560
assessment, the results may be sent after forty-five days of the 9561
administration of the writing component, but in no case shall 9562
the scores be returned later than the thirtieth day of June 9563

following the administration. 9564

(3) For assessments administered under this section by a 9565
joint vocational school district, the department or entity shall 9566
also send to each city, local, or exempted village school 9567
district a list of the individual scores of any students of such 9568
city, local, or exempted village school district who are 9569
attending school in the joint vocational school district. 9570

(4) Beginning with the 2019-2020 school year, a school 9571
district, other public school, or chartered nonpublic school may 9572
administer the third-grade English language arts or mathematics 9573
assessment, or both, in a paper format in any school year for 9574
which the district board of education or school governing body 9575
adopts a resolution indicating that the district or school 9576
chooses to administer the assessment in a paper format. The 9577
board or governing body shall submit a copy of the resolution to 9578
the department of education and workforce not later than the 9579
first day of May prior to the school year for which it will 9580
apply. If the resolution is submitted, the district or school 9581
shall administer the assessment in a paper format to all 9582
students in the third grade, except that any student whose 9583
individualized education program or plan developed under section 9584
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 9585
794, as amended, specifies that taking the assessment in an 9586
online format is an appropriate accommodation for the student 9587
may take the assessment in an online format. 9588

(H) Individual scores on any assessments administered 9589
under this section shall be released by a district board only in 9590
accordance with section 3319.321 of the Revised Code and the 9591
rules adopted under division (A) of this section. No district 9592
board or its employees shall utilize individual or aggregate 9593

results in any manner that conflicts with rules for the ethical 9594
use of assessments adopted pursuant to division (A) of this 9595
section. 9596

(I) Except as provided in division (G) of this section, 9597
the department or an entity with which the department contracts 9598
for the scoring of the assessment shall not release any 9599
individual scores on any assessment administered under this 9600
section. ~~The state board~~ department shall adopt rules to ensure 9601
the protection of student confidentiality at all times. The 9602
rules may require the use of the data verification codes 9603
assigned to students pursuant to division (D) (2) of section 9604
3301.0714 of the Revised Code to protect the confidentiality of 9605
student scores. 9606

(J) Notwithstanding division (D) of section 3311.52 of the 9607
Revised Code, this section does not apply to the board of 9608
education of any cooperative education school district except as 9609
provided under rules adopted pursuant to this division. 9610

(1) In accordance with rules that ~~the state board~~ 9611
department shall adopt, the board of education of any city, 9612
exempted village, or local school district with territory in a 9613
cooperative education school district established pursuant to 9614
divisions (A) to (C) of section 3311.52 of the Revised Code may 9615
enter into an agreement with the board of education of the 9616
cooperative education school district for administering any 9617
assessment prescribed under this section to students of the 9618
city, exempted village, or local school district who are 9619
attending school in the cooperative education school district. 9620

(2) In accordance with rules that ~~the state board~~ 9621
department shall adopt, the board of education of any city, 9622
exempted village, or local school district with territory in a 9623

cooperative education school district established pursuant to 9624
section 3311.521 of the Revised Code shall enter into an 9625
agreement with the cooperative district that provides for the 9626
administration of any assessment prescribed under this section 9627
to both of the following: 9628

(a) Students who are attending school in the cooperative 9629
district and who, if the cooperative district were not 9630
established, would be entitled to attend school in the city, 9631
local, or exempted village school district pursuant to section 9632
3313.64 or 3313.65 of the Revised Code; 9633

(b) Persons described in division (B) (8) (b) of this 9634
section. 9635

Any assessment of students pursuant to such an agreement 9636
shall be in lieu of any assessment of such students or persons 9637
pursuant to this section. 9638

(K) (1) (a) Except as otherwise provided in division (K) (1) 9639
or (2) of this section, each chartered nonpublic school for 9640
which at least sixty-five per cent of its total enrollment is 9641
made up of students who are participating in state scholarship 9642
programs shall administer the assessments prescribed by division 9643
(A) of section 3301.0710 of the Revised Code or an alternative 9644
standardized assessment determined by the department. In 9645
accordance with procedures and deadlines prescribed by the 9646
department, the parent or guardian of a student enrolled in the 9647
school who is not participating in a state scholarship program 9648
may submit notice to the chief administrative officer of the 9649
school that the parent or guardian does not wish to have the 9650
student take the assessments prescribed for the student's grade 9651
level under division (A) of section 3301.0710 of the Revised 9652
Code. If a parent or guardian submits an opt-out notice, the 9653

school shall not administer the assessments to that student. 9654
This option does not apply to any assessment required for a high 9655
school diploma under section 3313.612 of the Revised Code. 9656

(b) Any chartered nonpublic school that enrolls students 9657
who are participating in state scholarship programs may 9658
administer an alternative standardized assessment determined by 9659
the department instead of the assessments prescribed by division 9660
(A) of section 3301.0710 of the Revised Code. 9661

Each chartered nonpublic school subject to division (K) (1) 9662
(a) or (b) of this section shall report the results of each 9663
assessment administered under those divisions to the department. 9664

(2) A chartered nonpublic school may submit to the— 9665
~~superintendent of public instruction~~ director of education and 9666
workforce a request for a waiver from administering the 9667
elementary assessments prescribed by division (A) of section 9668
3301.0710 of the Revised Code. ~~The state superintendent~~ director 9669
shall approve or disapprove a request for a waiver submitted 9670
under division (K) (2) of this section. ~~No waiver shall be~~ 9671
~~approved for any school year prior to the 2015-2016 school year.~~ 9672

To be eligible to submit a request for a waiver, a 9673
chartered nonpublic school shall meet the following conditions: 9674

(a) At least ninety-five per cent of the students enrolled 9675
in the school are children with disabilities, as defined under 9676
section 3323.01 of the Revised Code, or have received a 9677
diagnosis by a school district or from a physician, including a 9678
neuropsychiatrist or psychiatrist, or a psychologist who is 9679
authorized to practice in this or another state as having a 9680
condition that impairs academic performance, such as dyslexia, 9681
dyscalculia, attention deficit hyperactivity disorder, or 9682

Asperger's syndrome. 9683

(b) The school has solely served a student population 9684
described in division (K) (1) (a) of this section for at least ten 9685
years. 9686

(c) The school provides to the department at least five 9687
years of records of internal testing conducted by the school 9688
that affords the department data required for accountability 9689
purposes, including diagnostic assessments and nationally 9690
standardized norm-referenced achievement assessments that 9691
measure reading and math skills. 9692

(3) Any chartered nonpublic school that is not subject to 9693
division (K) (1) of this section may participate in the 9694
assessment program by administering any of the assessments 9695
prescribed by division (A) of section 3301.0710 of the Revised 9696
Code. The chief administrator of the school shall specify which 9697
assessments the school will administer. Such specification shall 9698
be made in writing to the ~~superintendent of public instruction~~ 9699
director prior to the first day of August of any school year in 9700
which assessments are administered and shall include a pledge 9701
that the nonpublic school will administer the specified 9702
assessments in the same manner as public schools are required to 9703
do under this section and rules adopted by the department. 9704

(4) The department ~~of education~~ shall furnish the 9705
assessments prescribed by section 3301.0710 of the Revised Code 9706
to each chartered nonpublic school that is subject to division 9707
(K) (1) of this section or participates under division (K) (3) of 9708
this section. 9709

(L) If a chartered nonpublic school is educating students 9710
in grades nine through twelve, the following shall apply: 9711

(1) Except as provided in division (L) (4) of this section, 9712
for a student who is enrolled in a chartered nonpublic school 9713
that is accredited through the independent schools association 9714
of the central states and who is attending the school under a 9715
state scholarship program, the student shall either take all of 9716
the assessments prescribed by division (B) of section 3301.0712 9717
of the Revised Code or take an alternative assessment approved 9718
by the department under section 3313.619 of the Revised Code. 9719
However, a student who is excused from taking an assessment 9720
under division (C) of this section or has presented evidence to 9721
the chartered nonpublic school of having satisfied the condition 9722
prescribed by division (A) (1) of section 3313.618 of the Revised 9723
Code to qualify for a high school diploma prior to the date of 9724
the administration of the assessment prescribed under division 9725
(B) (1) of section 3301.0712 of the Revised Code shall not be 9726
required to take that assessment. No governing authority of a 9727
chartered nonpublic school shall prohibit a student who is not 9728
required to take such assessment from taking the assessment. 9729

(2) For a student who is enrolled in a chartered nonpublic 9730
school that is accredited through the independent schools 9731
association of the central states, and who is not attending the 9732
school under a state scholarship program, the student shall not 9733
be required to take any assessment prescribed under section 9734
3301.0712 or 3313.619 of the Revised Code. 9735

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 9736
of this section, for a student who is enrolled in a chartered 9737
nonpublic school that is not accredited through the independent 9738
schools association of the central states, regardless of whether 9739
the student is attending or is not attending the school under a 9740
state scholarship program, the student shall do one of the 9741
following: 9742

(i) Take all of the assessments prescribed by division (B)	9743
of section 3301.0712 of the Revised Code;	9744
(ii) Take only the assessment prescribed by division (B)	9745
(1) of section 3301.0712 of the Revised Code, provided that the	9746
student's school publishes the results of that assessment for	9747
each graduating class. The published results of that assessment	9748
shall include the overall composite scores, mean scores, twenty-	9749
fifth percentile scores, and seventy-fifth percentile scores for	9750
each subject area of the assessment.	9751
(iii) Take an alternative assessment approved by the	9752
department under section 3313.619 of the Revised Code.	9753
(b) A student who is excused from taking an assessment	9754
under division (C) of this section or has presented evidence to	9755
the chartered nonpublic school of having satisfied the condition	9756
prescribed by division (A) (1) of section 3313.618 of the Revised	9757
Code to qualify for a high school diploma prior to the date of	9758
the administration of the assessment prescribed under division	9759
(B) (1) of section 3301.0712 of the Revised Code shall not be	9760
required to take that assessment. No governing authority of a	9761
chartered nonpublic school shall prohibit a student who is not	9762
required to take such assessment from taking the assessment.	9763
(4) The assessments prescribed by sections 3301.0712 and	9764
3313.619 of the Revised Code shall not be administered to any	9765
student attending the school, if the school meets all of the	9766
following conditions:	9767
(a) At least ninety-five per cent of the students enrolled	9768
in the school are children with disabilities, as defined under	9769
section 3323.01 of the Revised Code, or have received a	9770
diagnosis by a school district or from a physician, including a	9771

neuropsychologist or psychiatrist, or a psychologist who is 9772
authorized to practice in this or another state as having a 9773
condition that impairs academic performance, such as dyslexia, 9774
dyscalculia, attention deficit hyperactivity disorder, or 9775
Asperger's syndrome. 9776

(b) The school has solely served a student population 9777
described in division (L) (4) (a) of this section for at least ten 9778
years. 9779

(c) The school makes available to the department at least 9780
five years of records of internal testing conducted by the 9781
school that affords the department data required for 9782
accountability purposes, including growth in student achievement 9783
in reading or mathematics, or both, as measured by nationally 9784
norm-referenced assessments that have developed appropriate 9785
standards for students. 9786

Division (L) (4) of this section applies to any student 9787
attending such school regardless of whether the student receives 9788
special education or related services and regardless of whether 9789
the student is attending the school under a state scholarship 9790
program. 9791

(M) (1) The superintendent of the state school for the 9792
blind and the superintendent of the state school for the deaf 9793
shall administer the assessments described by sections 3301.0710 9794
and 3301.0712 of the Revised Code. Each superintendent shall 9795
administer the assessments in the same manner as district boards 9796
are required to do under this section and rules adopted by the 9797
department ~~of education~~ and in conformity with division (C) (1) 9798
(a) of this section. 9799

(2) The department ~~of education~~ shall furnish the 9800

assessments described by sections 3301.0710 and 3301.0712 of the Revised Code to each superintendent.

(N) Notwithstanding division (E) of this section, a school district may use a student's failure to attain a score in at least the proficient range on the mathematics assessment described by division (A)(1)(a) of section 3301.0710 of the Revised Code or on an assessment described by division (A)(1)(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised Code as a factor in retaining that student in the current grade level.

(O)(1) In the manner specified in divisions (O)(3), (4), (6), and (7) of this section, the assessments required by division (A)(1) of section 3301.0710 of the Revised Code shall become public records pursuant to section 149.43 of the Revised Code on the thirty-first day of July following the school year that the assessments were administered.

(2) The department may field test proposed questions with samples of students to determine the validity, reliability, or appropriateness of questions for possible inclusion in a future year's assessment. The department also may use anchor questions on assessments to ensure that different versions of the same assessment are of comparable difficulty.

Field test questions and anchor questions shall not be considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question

administered under division (O) (2) of this section shall not be 9830
a public record. Such field test questions and anchor questions 9831
shall be redacted from any assessments which are released as a 9832
public record pursuant to division (O) (1) of this section. 9833

(4) This division applies to the assessments prescribed by 9834
division (A) of section 3301.0710 of the Revised Code. 9835

(a) The first administration of each assessment, as 9836
specified in former section 3301.0712 of the Revised Code, shall 9837
be a public record. 9838

(b) For subsequent administrations of each assessment 9839
prior to the 2011-2012 school year, not less than forty per cent 9840
of the questions on the assessment that are used to compute a 9841
student's score shall be a public record. The department shall 9842
determine which questions will be needed for reuse on a future 9843
assessment and those questions shall not be public records and 9844
shall be redacted from the assessment prior to its release as a 9845
public record. However, for each redacted question, the 9846
department shall inform each city, local, and exempted village 9847
school district of the statewide academic standard adopted ~~by~~ 9848
~~the state board~~ under section 3301.079 of the Revised Code and 9849
the corresponding benchmark to which the question relates. The 9850
preceding sentence does not apply to field test questions that 9851
are redacted under division (O) (3) of this section. 9852

(c) The administrations of each assessment in the 2011- 9853
2012, 2012-2013, and 2013-2014 school years shall not be a 9854
public record. 9855

(5) Each assessment prescribed by division (B) (1) of 9856
section 3301.0710 of the Revised Code shall not be a public 9857
record. 9858

(6) (a) Except as provided in division (O) (6) (b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows:

(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment;

(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment;

(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment.

The entire content of an assessment shall become a public record within three years of its administration.

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017.

(7) Division (O) (7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring 9888
of the 2017-2018 school year, not less than forty per cent of 9889
the questions on each assessment that are used to compute a 9890
student's score shall be a public record. The department shall 9891
determine which questions will be needed for reuse on a future 9892
assessment and those questions shall not be public records and 9893
shall be redacted from the assessment prior to its release as a 9894
public record. However, for each redacted question, the 9895
department shall inform each city, local, and exempted village 9896
school district of the corresponding statewide academic standard 9897
~~adopted by the state board~~ under section 3301.079 of the Revised 9898
Code and the corresponding benchmark to which the question 9899
relates. The department is not required to provide corresponding 9900
standards and benchmarks to field test questions that are 9901
redacted under division (O)(3) of this section. 9902

(P) As used in this section: 9903

(1) "Three-year average" means the average of the most 9904
recent consecutive three school years of data. 9905

(2) "Dropout" means a student who withdraws from school 9906
before completing course requirements for graduation and who is 9907
not enrolled in an education program approved by the ~~state board~~ 9908
~~of education~~ department or an education program outside the 9909
state. "Dropout" does not include a student who has departed the 9910
country. 9911

(3) "Graduation rate" means the ratio of students 9912
receiving a diploma to the number of students who entered ninth 9913
grade four years earlier. Students who transfer into the 9914
district are added to the calculation. Students who transfer out 9915
of the district for reasons other than dropout are subtracted 9916
from the calculation. If a student who was a dropout in any 9917

previous year returns to the same school district, that student 9918
shall be entered into the calculation as if the student had 9919
entered ninth grade four years before the graduation year of the 9920
graduating class that the student joins. 9921

(4) "State scholarship programs" means the educational 9922
choice scholarship pilot program established under sections 9923
3310.01 to 3310.17 of the Revised Code, the autism scholarship 9924
program established under section 3310.41 of the Revised Code, 9925
the Jon Peterson special needs scholarship program established 9926
under sections 3310.51 to 3310.64 of the Revised Code, and the 9927
pilot project scholarship program established under sections 9928
3313.974 to 3313.979 of the Revised Code. 9929

(5) "Other public school" means a community school 9930
established under Chapter 3314., a STEM school established under 9931
Chapter 3326., or a college-preparatory boarding school 9932
established under Chapter 3328. of the Revised Code. 9933

Sec. 3301.0712. (A) ~~The state board of education, the~~ 9934
~~superintendent of public instruction, department of education~~ 9935
and workforce and the chancellor of higher education shall 9936
develop a system of college and work ready assessments as 9937
described in division (B) of this section to assess whether each 9938
student upon graduating from high school is ready to enter 9939
college or the workforce. Beginning with students who enter the 9940
ninth grade for the first time on or after July 1, 2014, the 9941
system shall replace the Ohio graduation tests prescribed in 9942
division (B)(1) of section 3301.0710 of the Revised Code as a 9943
measure of student academic performance and one determinant of 9944
eligibility for a high school diploma in the manner prescribed 9945
by rule ~~of the state board~~ adopted under division (D) of this 9946
section. 9947

(B) The college and work ready assessment system shall 9948
consist of the following: 9949

(1) (a) Except as provided in division (B) (1) (b) of this 9950
section, nationally standardized assessments that measure 9951
college and career readiness and are used for college admission. 9952
The assessments shall be selected jointly by the ~~state~~ 9953
~~superintendent~~ department and the chancellor, and one of which 9954
shall be selected by each school district or school to 9955
administer to its students. The assessments prescribed under 9956
division (B) (1) of this section shall be administered to all 9957
eleventh-grade students in the spring of the school year. 9958

(b) Beginning with students who enter the ninth grade for 9959
the first time on or after ~~the first day of July immediately~~ 9960
~~following the effective date of this amendment 1, 2022,~~ the 9961
parent or guardian of a student may elect not to have a 9962
nationally standardized assessment administered to that student. 9963
In that event, the student's school district or school shall not 9964
administer the nationally standardized assessment to that 9965
student. 9966

(2) (a) Except as provided in division (B) (2) (b) of this 9967
section, seven end-of-course examinations, one in each of the 9968
areas of English language arts I, English language arts II, 9969
science, Algebra I, geometry, American history, and American 9970
government. The end-of-course examinations shall be selected 9971
jointly by the ~~state superintendent~~ department and the 9972
chancellor in consultation with faculty in the appropriate 9973
subject areas at institutions of higher education of the 9974
university system of Ohio. Advanced placement examinations and 9975
international baccalaureate examinations, as prescribed under 9976
section 3313.6013 of the Revised Code, in the areas of science, 9977

American history, and American government may be used as end-of- 9978
course examinations in accordance with division (B) (4) (a) (i) of 9979
this section. Final course grades for courses taken under any 9980
other advanced standing program, as prescribed under section 9981
3313.6013 of the Revised Code, in the areas of science, American 9982
history, and American government may be used in lieu of end-of- 9983
course examinations in accordance with division (B) (4) (a) (ii) of 9984
this section. 9985

(b) Beginning with students who enter ninth grade for the 9986
first time on or after July 1, 2019, five end-of-course 9987
examinations, one in each areas of English language arts II, 9988
science, Algebra I, American history, and American government. 9989
However, only the end-of-course examinations in English language 9990
arts II and Algebra I shall be required for graduation. 9991

The department ~~of education~~ shall, as necessary to 9992
implement division (B) (2) (b) of this section, seek a waiver from 9993
the United States secretary of education for testing 9994
requirements prescribed under federal law to allow for the use 9995
and implementation of Algebra I as the primary assessment of 9996
high school mathematics. If the department does not receive a 9997
waiver under this division, the end-of-course examinations for 9998
students described in division (B) (2) (b) of this section also 9999
shall include an end-of-course examination in the area of 10000
geometry. However, the geometry end-of-course examination shall 10001
not be required for graduation. 10002

~~(3) (a) Not later than July 1, 2013, each school district~~ 10003
~~board of education shall adopt interim end-of-course~~ 10004
~~examinations that comply with the requirements of divisions (B)~~ 10005
~~(3) (b) (i) and (ii) of this section to assess mastery of American~~ 10006
~~history and American government standards adopted under division~~ 10007

~~(A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end of course examinations in American history and American government under division (B) (2) of this section.~~ 10008
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~~(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end of course examinations in American history and American government.~~ 10014
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~~(i) (3) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.~~ 10017
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~~(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.~~ 10023
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(4) (a) Notwithstanding anything to the contrary in this section, ~~beginning with the 2014-2015 school year,~~ both of the following shall apply: 10027
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(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under division (B) (2) of this section. ~~The state board department~~ shall specify the score levels for each advanced placement 10030
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examination and international baccalaureate examination for 10037
purposes of calculating the minimum cumulative performance score 10038
that demonstrates the level of academic achievement necessary to 10039
earn a high school diploma. 10040

(ii) If a student is enrolled in an appropriate course 10041
under any other advanced standing program, as described in 10042
section 3313.6013 of the Revised Code, that student shall not be 10043
required to take the science, American history, or American 10044
government end-of-course examination, whichever is applicable, 10045
prescribed under division (B) (2) of this section. Instead, that 10046
student's final course grade shall be used in lieu of the 10047
applicable end-of-course examination prescribed under that 10048
section. ~~The state superintendent department,~~ in consultation 10049
with the chancellor, shall adopt guidelines for purposes of 10050
calculating the corresponding final course grades that 10051
demonstrate the level of academic achievement necessary to earn 10052
a high school diploma. 10053

Division (B) (4) (a) (ii) of this section shall apply only to 10054
courses for which students receive transcribed credit, as 10055
defined in section 3365.01 of the Revised Code. It shall not 10056
apply to remedial or developmental courses. 10057

(b) No student shall take a substitute examination or 10058
examination prescribed under division (B) (4) (a) of this section 10059
in place of the end-of-course examinations in English language 10060
arts I, English language arts II, Algebra I, or geometry 10061
prescribed under division (B) (2) of this section. 10062

(c) ~~The state board department shall consider additional~~ 10063
~~assessments that may be used, beginning with the 2016-2017-~~ 10064
~~school year,~~ as substitute examinations in lieu of the end-of- 10065
course examinations prescribed under division (B) (2) of this 10066

section. 10067

(5) The ~~state board~~ department shall do all of the 10068
following: 10069

(a) Determine and designate at least five ranges of scores 10070
on each of the end-of-course examinations prescribed under 10071
division (B) (2) of this section, and substitute examinations 10072
prescribed under division (B) (4) of this section. Not later than 10073
sixty days after the designation of ranges of scores, the ~~state~~ 10074
~~superintendent, or the state superintendent's designee,~~ director 10075
of education and workforce shall conduct a public presentation 10076
before the standing committees of the house of representatives 10077
and the senate that consider primary and secondary education 10078
legislation regarding the designated range of scores. Each range 10079
of scores shall be considered to demonstrate a level of 10080
achievement so that any student attaining a score within such 10081
range has achieved one of the following: 10082

(i) An advanced level of skill; 10083

(ii) An accomplished level of skill; 10084

(iii) A proficient level of skill; 10085

(iv) A basic level of skill; 10086

(v) A limited level of skill. 10087

(b) Determine a method by which to calculate a cumulative 10088
performance score based on the results of a student's end-of- 10089
course examinations or substitute examinations; 10090

(c) Determine the minimum cumulative performance score 10091
that demonstrates the level of academic achievement necessary to 10092
earn a high school diploma under division (A) (2) of section 10093
3313.618 of the Revised Code. However, ~~the state board shall not~~ 10094

~~determine a no~~ new minimum cumulative performance score shall be
determined after October 17, 2019. 10095
10096

(d) Develop a table of corresponding score equivalents for 10097
the end-of-course examinations and substitute examinations in 10098
order to calculate student performance consistently across the 10099
different examinations. 10100

A score of two on an advanced placement examination or a 10101
score of two or three on an international baccalaureate 10102
examination shall be considered equivalent to a proficient level 10103
of skill as specified under division (B) (5) (a) (iii) of this 10104
section. 10105

(6) (a) A student who meets both of the following 10106
conditions shall not be required to take an end-of-course 10107
examination: 10108

(i) The student received high school credit prior to July 10109
1, 2015, for a course for which the end-of-course examination is 10110
prescribed. 10111

(ii) The examination was not available for administration 10112
prior to July 1, 2015. 10113

Receipt of credit for the course described in division (B) 10114
(6) (a) (i) of this section shall satisfy the requirement to take 10115
the end-of-course examination. A student exempted under division 10116
(B) (6) (a) of this section may take the applicable end-of-course 10117
examination at a later date. 10118

(b) For purposes of determining whether a student who is 10119
exempt from taking an end-of-course examination under division 10120
(B) (6) (a) of this section has attained the cumulative score 10121
prescribed by division (B) (5) (c) of this section, such student 10122
shall select either of the following: 10123

(i) The student is considered to have attained a 10124
proficient score on the end-of-course examination from which the 10125
student is exempt; 10126

(ii) The student's final course grade shall be used in 10127
lieu of a score on the end-of-course examination from which the 10128
student is exempt. 10129

~~The state superintendent department,~~ in consultation with 10130
the chancellor, shall adopt guidelines for purposes of 10131
calculating the corresponding final course grades and the 10132
minimum cumulative performance score that demonstrates the level 10133
of academic achievement necessary to earn a high school diploma. 10134

(7) (a) Notwithstanding anything to the contrary in this 10135
section, ~~the state board department~~ may replace the algebra I 10136
end-of-course examination prescribed under division (B) (2) of 10137
this section with an algebra II end-of-course examination, 10138
beginning with the 2016-2017 school year for students who enter 10139
ninth grade on or after July 1, 2016. 10140

(b) If ~~the state board department~~ replaces the algebra I 10141
end-of-course examination with an algebra II end-of-course 10142
examination as authorized under division (B) (7) (a) of this 10143
section, both of the following shall apply: 10144

(i) A student who is enrolled in an advanced placement or 10145
international baccalaureate course in algebra II shall take the 10146
advanced placement or international baccalaureate examination in 10147
lieu of the algebra II end-of-course examination. 10148

(ii) A student who is enrolled in an algebra II course 10149
under any other advanced standing program, as described in 10150
section 3313.6013 of the Revised Code, shall not be required to 10151
take the algebra II end-of-course examination. Instead, that 10152

student's final course grade shall be used in lieu of the 10153
examination. 10154

(c) If a school district or school utilizes an integrated 10155
approach to mathematics instruction, the district or school may 10156
do either or both of the following: 10157

(i) Administer an integrated mathematics I end-of-course 10158
examination in lieu of the prescribed algebra I end-of-course 10159
examination; 10160

(ii) Administer an integrated mathematics II end-of-course 10161
examination in lieu of the prescribed geometry end-of-course 10162
examination. 10163

(8) (a) For students entering the ninth grade for the first 10164
time on or after July 1, 2014, but prior to July 1, 2015, the 10165
assessment in the area of science shall be physical science or 10166
biology. For students entering the ninth grade for the first 10167
time on or after July 1, 2015, the assessment in the area of 10168
science shall be biology. 10169

(b) Until July 1, 2019, the department shall make 10170
available the end-of-course examination in physical science for 10171
students who entered the ninth grade for the first time on or 10172
after July 1, 2014, but prior to July 1, 2015, and who wish to 10173
retake the examination. 10174

(c) ~~Not later than July 1, 2016, the state board~~ The 10175
department shall adopt rules prescribing the requirements for 10176
the end-of-course examination in science for students who 10177
entered the ninth grade for the first time on or after July 1, 10178
2014, but prior to July 1, 2015, and who have not met the 10179
requirement prescribed by section 3313.618 of the Revised Code 10180
by July 1, 2019, due to a student's failure to satisfy division 10181

(A) (2) of section 3313.618 of the Revised Code. 10182

(9) ~~Neither the state board nor the~~ The department of
~~education~~ shall not develop or administer an end-of-course
examination in the area of world history. 10183
10184
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(10) ~~Not later than March 1, 2020, the~~ The department, in
consultation with the chancellor and the governor's office of
workforce transformation, shall determine a competency score for
both of the Algebra I and English language arts II end-of-course
examinations for the purpose of graduation eligibility. 10186
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(C) ~~The state board~~ department shall convene a group of
national experts, state experts, and local practitioners to
provide advice, guidance, and recommendations for the alignment
of standards and model curricula to the assessments and in the
design of the end-of-course examinations prescribed by this
section. 10191
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(D) Upon completion of the development of the assessment
system, ~~the state board~~ department shall adopt rules prescribing
all of the following: 10197
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(1) A timeline and plan for implementation of the
assessment system, including a phased implementation if the-
~~state board~~ department determines such a phase-in is warranted; 10200
10201
10202

(2) The date after which a person shall meet the
requirements of the entire assessment system as a prerequisite
for a diploma of adult education under section 3313.611 of the
Revised Code; 10203
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(3) Whether and the extent to which a person may be
excused from an American history end-of-course examination and
an American government end-of-course examination under division
(H) of section 3313.61 and division (B) (3) of section 3313.612 10207
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of the Revised Code; 10211

(4) The date after which a person who has fulfilled the 10212
curriculum requirement for a diploma but has not passed one or 10213
more of the required assessments at the time the person 10214
fulfilled the curriculum requirement shall meet the requirements 10215
of the entire assessment system as a prerequisite for a high 10216
school diploma under division (B) of section 3313.614 of the 10217
Revised Code; 10218

(5) The extent to which the assessment system applies to 10219
students enrolled in a dropout recovery and prevention program 10220
for purposes of division (F) of section 3313.603 and section 10221
3314.36 of the Revised Code. 10222

~~(E) Not later than forty five days prior to the state- 10223
board's adoption of a resolution directing the department to 10224
file the rules prescribed by division (D) of this section in 10225
final form under section 119.04 of the Revised Code, the 10226
superintendent of public instruction shall present the 10227
assessment system developed under this section to the respective 10228
committees of the house of representatives and senate that 10229
consider education legislation. 10230~~

~~(F)(1)~~ (E)(1) Any person enrolled in a nonchartered 10231
nonpublic school or any person who has been excused from 10232
attendance at school for the purpose of home ~~instruction~~ 10233
education under section ~~3321.04~~3321.042 of the Revised Code may 10234
choose to participate in the system of assessments administered 10235
under divisions (B)(1) and (2) of this section. However, no such 10236
person shall be required to participate in the system of 10237
assessments. 10238

(2) The department shall adopt rules for the 10239

administration and scoring of any assessments under division ~~(F)~~ 10240
~~(1)~~ (E) (1) of this section. 10241

~~(G) Not later than December 31, 2014, the state board (F)~~ 10242
The department shall select at least one nationally recognized 10243
job skills assessment. Each school district shall administer 10244
that assessment to those students who opt to take it. ~~The state~~ 10245
department shall reimburse a school district for the costs of 10246
administering that assessment. ~~The state board~~ department shall 10247
establish the minimum score a student must attain on the job 10248
skills assessment in order to demonstrate a student's workforce 10249
readiness and employability. The administration of the job 10250
skills assessment to a student under this division shall not 10251
exempt a school district from administering the assessments 10252
prescribed in division (B) of this section to that student. 10253

Sec. 3301.0713. The department of education and workforce 10254
shall establish an education management information system 10255
advisory council. The council shall make recommendations to the 10256
~~superintendent of public instruction~~ department to improve the 10257
operation of the education management information system 10258
established under section 3301.0714 of the Revised Code and 10259
shall provide a forum for communication and collaboration 10260
between the department and parties affected by the collection, 10261
reporting, and use of the system's data. Members of the council 10262
shall include department staff and representatives of school 10263
districts and other entities that regularly interact with data 10264
from the education management information system. 10265

Sec. 3301.0714. (A) The ~~state board~~ department of 10266
education and workforce shall adopt rules for a statewide 10267
education management information system. The rules shall require 10268
the ~~state board~~ department to establish guidelines for the 10269

establishment and maintenance of the system in accordance with 10270
this section and the rules adopted under this section. The 10271
guidelines shall include: 10272

(1) Standards identifying and defining the types of data 10273
in the system in accordance with divisions (B) and (C) of this 10274
section; 10275

(2) Procedures for annually collecting and reporting the 10276
data to the ~~state board~~ department in accordance with division 10277
(D) of this section; 10278

(3) Procedures for annually compiling the data in 10279
accordance with division (G) of this section; 10280

(4) Procedures for annually reporting the data to the 10281
public in accordance with division (H) of this section; 10282

(5) Standards to provide strict safeguards to protect the 10283
confidentiality of personally identifiable student data. 10284

(B) The guidelines adopted under this section shall 10285
require the data maintained in the education management 10286
information system to include at least the following: 10287

(1) Student participation and performance data, for each 10288
grade in each school district as a whole and for each grade in 10289
each school building in each school district, that includes: 10290

(a) The numbers of students receiving each category of 10291
instructional service offered by the school district, such as 10292
regular education instruction, vocational education instruction, 10293
specialized instruction programs or enrichment instruction that 10294
is part of the educational curriculum, instruction for gifted 10295
students, instruction for students with disabilities, and 10296
remedial instruction. The guidelines shall require instructional 10297

services under this division to be divided into discrete 10298
categories if an instructional service is limited to a specific 10299
subject, a specific type of student, or both, such as regular 10300
instructional services in mathematics, remedial reading 10301
instructional services, instructional services specifically for 10302
students gifted in mathematics or some other subject area, or 10303
instructional services for students with a specific type of 10304
disability. The categories of instructional services required by 10305
the guidelines under this division shall be the same as the 10306
categories of instructional services used in determining cost 10307
units pursuant to division (C) (3) of this section. 10308

(b) The numbers of students receiving support or 10309
extracurricular services for each of the support services or 10310
extracurricular programs offered by the school district, such as 10311
counseling services, health services, and extracurricular sports 10312
and fine arts programs. The categories of services required by 10313
the guidelines under this division shall be the same as the 10314
categories of services used in determining cost units pursuant 10315
to division (C) (4) (a) of this section. 10316

(c) Average student grades in each subject in grades nine 10317
through twelve; 10318

(d) Academic achievement levels as assessed under sections 10319
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 10320

(e) The number of students designated as having a 10321
disabling condition pursuant to division (C) (1) of section 10322
3301.0711 of the Revised Code; 10323

(f) The numbers of students reported to the ~~state board~~ 10324
department pursuant to division (C) (2) of section 3301.0711 of 10325
the Revised Code; 10326

(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	10327 10328 10329 10330
(h) Expulsion rates;	10331
(i) Suspension rates;	10332
(j) Dropout rates;	10333
(k) Rates of retention in grade;	10334
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education <u>the director's</u> rules;	10335 10336 10337
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	10338 10339 10340 10341 10342
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	10343 10344 10345 10346 10347 10348 10349 10350 10351
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B) (4) of this section, districts and schools also shall include an	10352 10353 10354

identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B) (1) (o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B) (1) (a) to (d) of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B) (1) (b) of section 3313.618 of the Revised Code;

(s) The number of students enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to

division (C) (3) of this section. The guidelines adopted under 10384
this section shall require these categories of data to be 10385
maintained for the school district as a whole and, wherever 10386
applicable, for each grade in the school district as a whole, 10387
for each school building as a whole, and for each grade in each 10388
school building. 10389

(b) The total number of employees and the number of full- 10390
time equivalent employees providing each category of service 10391
used pursuant to divisions (C) (4) (a) and (b) of this section, 10392
and the total numbers of licensed employees and nonlicensed 10393
employees and the numbers of full-time equivalent licensed 10394
employees and nonlicensed employees providing each category used 10395
pursuant to division (C) (4) (c) of this section. The guidelines 10396
adopted under this section shall require these categories of 10397
data to be maintained for the school district as a whole and, 10398
wherever applicable, for each grade in the school district as a 10399
whole, for each school building as a whole, and for each grade 10400
in each school building. 10401

(c) The total number of regular classroom teachers 10402
teaching classes of regular education and the average number of 10403
pupils enrolled in each such class, in each of grades 10404
kindergarten through five in the district as a whole and in each 10405
school building in the school district. 10406

(d) The number of lead teachers employed by each school 10407
district and each school building. 10408

(3) (a) Student demographic data for each school district, 10409
including information regarding the gender ratio of the school 10410
district's pupils, the racial make-up of the school district's 10411
pupils, the number of English learners in the district, and an 10412
appropriate measure of the number of the school district's 10413

pupils who reside in economically disadvantaged households. The 10414
demographic data shall be collected in a manner to allow 10415
correlation with data collected under division (B) (1) of this 10416
section. Categories for data collected pursuant to division (B) 10417
(3) of this section shall conform, where appropriate, to 10418
standard practices of agencies of the federal government. 10419

(b) With respect to each student entering kindergarten, 10420
whether the student previously participated in a public 10421
preschool program, a private preschool program, or a head start 10422
program, and the number of years the student participated in 10423
each of these programs. 10424

(4) Any data required to be collected pursuant to federal 10425
law. 10426

(C) The education management information system shall 10427
include cost accounting data for each district as a whole and 10428
for each school building in each school district. The guidelines 10429
adopted under this section shall require the cost data for each 10430
school district to be maintained in a system of mutually 10431
exclusive cost units and shall require all of the costs of each 10432
school district to be divided among the cost units. The 10433
guidelines shall require the system of mutually exclusive cost 10434
units to include at least the following: 10435

(1) Administrative costs for the school district as a 10436
whole. The guidelines shall require the cost units under this 10437
division (C) (1) to be designed so that each of them may be 10438
compiled and reported in terms of average expenditure per pupil 10439
in enrolled ADM in the school district, as determined pursuant 10440
to section 3317.03 of the Revised Code. 10441

(2) Administrative costs for each school building in the 10442

school district. The guidelines shall require the cost units 10443
under this division (C) (2) to be designed so that each of them 10444
may be compiled and reported in terms of average expenditure per 10445
full-time equivalent pupil receiving instructional or support 10446
services in each building. 10447

(3) Instructional services costs for each category of 10448
instructional service provided directly to students and required 10449
by guidelines adopted pursuant to division (B) (1) (a) of this 10450
section. The guidelines shall require the cost units under 10451
division (C) (3) of this section to be designed so that each of 10452
them may be compiled and reported in terms of average 10453
expenditure per pupil receiving the service in the school 10454
district as a whole and average expenditure per pupil receiving 10455
the service in each building in the school district and in terms 10456
of a total cost for each category of service and, as a breakdown 10457
of the total cost, a cost for each of the following components: 10458

(a) The cost of each instructional services category 10459
required by guidelines adopted under division (B) (1) (a) of this 10460
section that is provided directly to students by a classroom 10461
teacher; 10462

(b) The cost of the instructional support services, such 10463
as services provided by a speech-language pathologist, classroom 10464
aide, multimedia aide, or librarian, provided directly to 10465
students in conjunction with each instructional services 10466
category; 10467

(c) The cost of the administrative support services 10468
related to each instructional services category, such as the 10469
cost of personnel that develop the curriculum for the 10470
instructional services category and the cost of personnel 10471
supervising or coordinating the delivery of the instructional 10472

services category. 10473

(4) Support or extracurricular services costs for each 10474
category of service directly provided to students and required 10475
by guidelines adopted pursuant to division (B)(1)(b) of this 10476
section. The guidelines shall require the cost units under 10477
division (C)(4) of this section to be designed so that each of 10478
them may be compiled and reported in terms of average 10479
expenditure per pupil receiving the service in the school 10480
district as a whole and average expenditure per pupil receiving 10481
the service in each building in the school district and in terms 10482
of a total cost for each category of service and, as a breakdown 10483
of the total cost, a cost for each of the following components: 10484

(a) The cost of each support or extracurricular services 10485
category required by guidelines adopted under division (B)(1)(b) 10486
of this section that is provided directly to students by a 10487
licensed employee, such as services provided by a guidance 10488
counselor or any services provided by a licensed employee under 10489
a supplemental contract; 10490

(b) The cost of each such services category provided 10491
directly to students by a nonlicensed employee, such as 10492
janitorial services, cafeteria services, or services of a sports 10493
trainer; 10494

(c) The cost of the administrative services related to 10495
each services category in division (C)(4)(a) or (b) of this 10496
section, such as the cost of any licensed or nonlicensed 10497
employees that develop, supervise, coordinate, or otherwise are 10498
involved in administering or aiding the delivery of each 10499
services category. 10500

(D)(1) The guidelines adopted under this section shall 10501

require school districts to collect information about individual 10502
students, staff members, or both in connection with any data 10503
required by division (B) or (C) of this section or other 10504
reporting requirements established in the Revised Code. The 10505
guidelines may also require school districts to report 10506
information about individual staff members in connection with 10507
any data required by division (B) or (C) of this section or 10508
other reporting requirements established in the Revised Code. 10509
The guidelines shall not authorize school districts to request 10510
social security numbers of individual students. The guidelines 10511
shall prohibit the reporting under this section of a student's 10512
name, address, and social security number to ~~the state board of~~ 10513
~~education or the department of education~~. The guidelines shall 10514
also prohibit the reporting under this section of any personally 10515
identifiable information about any student, except for the 10516
purpose of assigning the data verification code required by 10517
division (D) (2) of this section, to any other person unless such 10518
person is employed by the school district or the information 10519
technology center operated under section 3301.075 of the Revised 10520
Code and is authorized by the district or technology center to 10521
have access to such information or is employed by an entity with 10522
which the department contracts for the scoring or the 10523
development of state assessments. The guidelines may require 10524
school districts to provide the social security numbers of 10525
individual staff members and the county of residence for a 10526
student. Nothing in this section prohibits the ~~state board of~~ 10527
~~education or department of education~~ from providing a student's 10528
county of residence to the department of taxation to facilitate 10529
the distribution of tax revenue. 10530

(2) (a) The guidelines shall provide for each school 10531
district or community school to assign a data verification code 10532

that is unique on a statewide basis over time to each student 10533
whose initial Ohio enrollment is in that district or school and 10534
to report all required individual student data for that student 10535
utilizing such code. The guidelines shall also provide for 10536
assigning data verification codes to all students enrolled in 10537
districts or community schools on the effective date of the 10538
guidelines established under this section. The assignment of 10539
data verification codes for other entities, as described in 10540
division (D) (2) (d) of this section, the use of those codes, and 10541
the reporting and use of associated individual student data 10542
shall be coordinated by the department of education and 10543
workforce in accordance with state and federal law. 10544

School districts shall report individual student data to 10545
the department through the information technology centers 10546
utilizing the code. The entities described in division (D) (2) (d) 10547
of this section shall report individual student data to the 10548
department in the manner prescribed by the department. 10549

(b) (i) Except as provided in sections 3301.941, 3310.11, 10550
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 10551
Code, and in division (D) (2) (b) (ii) of this section, at no time 10552
shall the ~~state board or the~~ department have access to 10553
information that would enable any data verification code to be 10554
matched to personally identifiable student data. 10555

(ii) For the purpose of making per-pupil payments to 10556
community schools under section 3317.022 of the Revised Code, 10557
the department shall have access to information that would 10558
enable any data verification code to be matched to personally 10559
identifiable student data. 10560

(c) Each school district and community school shall ensure 10561
that the data verification code is included in the student's 10562

records reported to any subsequent school district, community 10563
school, or state institution of higher education, as defined in 10564
section 3345.011 of the Revised Code, in which the student 10565
enrolls. Any such subsequent district or school shall utilize 10566
the same identifier in its reporting of data under this section. 10567

(d) The director of any state agency that administers a 10568
publicly funded program providing services to children who are 10569
younger than compulsory school age, as defined in section 10570
3321.01 of the Revised Code, including the directors of health, 10571
job and family services, mental health and addiction services, 10572
and developmental disabilities, shall request and receive, 10573
pursuant to sections 3301.0723 and 5123.0423 of the Revised 10574
Code, a data verification code for a child who is receiving 10575
those services. 10576

(E) The guidelines adopted under this section may require 10577
school districts to collect and report data, information, or 10578
reports other than that described in divisions (A), (B), and (C) 10579
of this section for the purpose of complying with other 10580
reporting requirements established in the Revised Code. The 10581
other data, information, or reports may be maintained in the 10582
education management information system but are not required to 10583
be compiled as part of the profile formats required under 10584
division (G) of this section or the annual statewide report 10585
required under division (H) of this section. 10586

(F) ~~Beginning with the school year that begins July 1,~~ 10587
~~1991, the~~ The board of education of each school district shall 10588
annually collect and report to the ~~state board department,~~ in 10589
accordance with the guidelines established by the ~~board~~ 10590
department, the data required pursuant to this section. A school 10591
district may collect and report these data notwithstanding 10592

section 2151.357 or 3319.321 of the Revised Code. 10593

(G) The ~~state board~~ department shall, in accordance with 10594
the procedures it adopts, annually compile the data reported by 10595
each school district pursuant to division (D) of this section. 10596
The ~~state board~~ department shall design formats for profiling 10597
each school district as a whole and each school building within 10598
each district and shall compile the data in accordance with 10599
these formats. These profile formats shall: 10600

(1) Include all of the data gathered under this section in 10601
a manner that facilitates comparison among school districts and 10602
among school buildings within each school district; 10603

(2) Present the data on academic achievement levels as 10604
assessed by the testing of student achievement maintained 10605
pursuant to division (B) (1) (d) of this section. 10606

(H) (1) The ~~state board~~ department shall, in accordance 10607
with the procedures it adopts, annually prepare a statewide 10608
report for all school districts and the general public that 10609
includes the profile of each of the school districts developed 10610
pursuant to division (G) of this section. Copies of the report 10611
shall be sent to each school district. 10612

(2) The ~~state board~~ department shall, in accordance with 10613
the procedures it adopts, annually prepare an individual report 10614
for each school district and the general public that includes 10615
the profiles of each of the school buildings in that school 10616
district developed pursuant to division (G) of this section. 10617
Copies of the report shall be sent to the superintendent of the 10618
district and to each member of the district board of education. 10619

(3) Copies of the reports ~~received from the state board~~ 10620
under prescribed in divisions (H) (1) and (2) of this section 10621

shall be made available to the general public at each school 10622
district's offices. Each district board of education shall make 10623
copies of each report available to any person upon request and 10624
payment of a reasonable fee for the cost of reproducing the 10625
report. The board shall annually publish in a newspaper of 10626
general circulation in the school district, at least twice 10627
during the two weeks prior to the week in which the reports will 10628
first be available, a notice containing the address where the 10629
reports are available and the date on which the reports will be 10630
available. 10631

(I) Any data that is collected or maintained pursuant to 10632
this section and that identifies an individual pupil is not a 10633
public record for the purposes of section 149.43 of the Revised 10634
Code. 10635

(J) As used in this section: 10636

(1) "School district" means any city, local, exempted 10637
village, or joint vocational school district and, in accordance 10638
with section 3314.17 of the Revised Code, any community school. 10639
As used in division (L) of this section, "school district" also 10640
includes any educational service center or other educational 10641
entity required to submit data using the system established 10642
under this section. 10643

(2) "Cost" means any expenditure for operating expenses 10644
made by a school district excluding any expenditures for debt 10645
retirement except for payments made to any commercial lending 10646
institution for any loan approved pursuant to section 3313.483 10647
of the Revised Code. 10648

(K) Any person who removes data from the information 10649
system established under this section for the purpose of 10650

releasing it to any person not entitled under law to have access 10651
to such information is subject to section 2913.42 of the Revised 10652
Code prohibiting tampering with data. 10653

(L) (1) In accordance with division (L) (2) of this section 10654
and the rules adopted under division (L) (10) of this section, 10655
the department ~~of education~~ may sanction any school district 10656
that reports incomplete or inaccurate data, reports data that 10657
does not conform to data requirements and descriptions published 10658
by the department, fails to report data in a timely manner, or 10659
otherwise does not make a good faith effort to report data as 10660
required by this section. 10661

(2) If the department decides to sanction a school 10662
district under this division, the department shall take the 10663
following sequential actions: 10664

(a) Notify the district in writing that the department has 10665
determined that data has not been reported as required under 10666
this section and require the district to review its data 10667
submission and submit corrected data by a deadline established 10668
by the department. The department also may require the district 10669
to develop a corrective action plan, which shall include 10670
provisions for the district to provide mandatory staff training 10671
on data reporting procedures. 10672

(b) Withhold up to ten per cent of the total amount of 10673
state funds due to the district for the current fiscal year and, 10674
if not previously required under division (L) (2) (a) of this 10675
section, require the district to develop a corrective action 10676
plan in accordance with that division; 10677

(c) Withhold an additional amount of up to twenty per cent 10678
of the total amount of state funds due to the district for the 10679

current fiscal year;	10680
(d) Direct department staff or an outside entity to	10681
investigate the district's data reporting practices and make	10682
recommendations for subsequent actions. The recommendations may	10683
include one or more of the following actions:	10684
(i) Arrange for an audit of the district's data reporting	10685
practices by department staff or an outside entity;	10686
(ii) Conduct a site visit and evaluation of the district;	10687
(iii) Withhold an additional amount of up to thirty per	10688
cent of the total amount of state funds due to the district for	10689
the current fiscal year;	10690
(iv) Continue monitoring the district's data reporting;	10691
(v) Assign department staff to supervise the district's	10692
data management system;	10693
(vi) Conduct an investigation to determine whether to	10694
suspend or revoke the license of any district employee in	10695
accordance with division (N) of this section;	10696
(vii) If the district is issued a report card under	10697
section 3302.03 of the Revised Code, indicate on the report card	10698
that the district has been sanctioned for failing to report data	10699
as required by this section;	10700
(viii) If the district is issued a report card under	10701
section 3302.03 of the Revised Code and incomplete or inaccurate	10702
data submitted by the district likely caused the district to	10703
receive a higher performance rating than it deserved under that	10704
section, issue a revised report card for the district;	10705
(ix) Any other action designed to correct the district's	10706

data reporting problems. 10707

(3) Any time the department takes an action against a 10708
school district under division (L)(2) of this section, the 10709
department shall make a report of the circumstances that 10710
prompted the action. The department shall send a copy of the 10711
report to the district superintendent or chief administrator and 10712
maintain a copy of the report in its files. 10713

(4) If any action taken under division (L)(2) of this 10714
section resolves a school district's data reporting problems to 10715
the department's satisfaction, the department shall not take any 10716
further actions described by that division. If the department 10717
withheld funds from the district under that division, the 10718
department may release those funds to the district, except that 10719
if the department withheld funding under division (L)(2)(c) of 10720
this section, the department shall not release the funds 10721
withheld under division (L)(2)(b) of this section and, if the 10722
department withheld funding under division (L)(2)(d) of this 10723
section, the department shall not release the funds withheld 10724
under division (L)(2)(b) or (c) of this section. 10725

(5) Notwithstanding anything in this section to the 10726
contrary, the department may use its own staff or an outside 10727
entity to conduct an audit of a school district's data reporting 10728
practices any time the department has reason to believe the 10729
district has not made a good faith effort to report data as 10730
required by this section. If any audit conducted by an outside 10731
entity under division (L)(2)(d)(i) or (5) of this section 10732
confirms that a district has not made a good faith effort to 10733
report data as required by this section, the district shall 10734
reimburse the department for the full cost of the audit. The 10735
department may withhold state funds due to the district for this 10736

purpose. 10737

(6) Prior to issuing a revised report card for a school 10738
district under division (L)(2)(d)(viii) of this section, the 10739
department may hold a hearing to provide the district with an 10740
opportunity to demonstrate that it made a good faith effort to 10741
report data as required by this section. The hearing shall be 10742
conducted by a referee appointed by the department. Based on the 10743
information provided in the hearing, the referee shall recommend 10744
whether the department should issue a revised report card for 10745
the district. If the referee affirms the department's contention 10746
that the district did not make a good faith effort to report 10747
data as required by this section, the district shall bear the 10748
full cost of conducting the hearing and of issuing any revised 10749
report card. 10750

(7) If the department determines that any inaccurate data 10751
reported under this section caused a school district to receive 10752
excess state funds in any fiscal year, the district shall 10753
reimburse the department an amount equal to the excess funds, in 10754
accordance with a payment schedule determined by the department. 10755
The department may withhold state funds due to the district for 10756
this purpose. 10757

(8) Any school district that has funds withheld under 10758
division (L)(2) of this section may appeal the withholding in 10759
accordance with Chapter 119. of the Revised Code. 10760

(9) In all cases of a disagreement between the department 10761
and a school district regarding the appropriateness of an action 10762
taken under division (L)(2) of this section, the burden of proof 10763
shall be on the district to demonstrate that it made a good 10764
faith effort to report data as required by this section. 10765

(10) The ~~state board~~ director of education and workforce 10766
shall adopt rules under Chapter 119. of the Revised Code to 10767
implement division (L) of this section. 10768

(M) No information technology center or school district 10769
shall acquire, change, or update its student administration 10770
software package to manage and report data required to be 10771
reported to the department unless it converts to a student 10772
software package that is certified by the department. 10773

(N) The state board of education, in accordance with 10774
sections 3319.31 and 3319.311 of the Revised Code, may suspend 10775
or revoke a license as defined under division (A) of section 10776
3319.31 of the Revised Code that has been issued to any school 10777
district employee found to have willfully reported erroneous, 10778
inaccurate, or incomplete data to the education management 10779
information system. 10780

(O) No person shall release or maintain any information 10781
about any student in violation of this section. Whoever violates 10782
this division is guilty of a misdemeanor of the fourth degree. 10783

(P) The department shall disaggregate the data collected 10784
under division (B) (1) (n) of this section according to the race 10785
and socioeconomic status of the students assessed. 10786

(Q) If the department cannot compile any of the 10787
information required by division (I) of section 3302.03 of the 10788
Revised Code based upon the data collected under this section, 10789
the department shall develop a plan and a reasonable timeline 10790
for the collection of any data necessary to comply with that 10791
division. 10792

Sec. 3301.0715. (A) Except as required under division (B) 10793
(1) of section 3313.608 or as specified in division (D) (3) of 10794

section 3301.079 of the Revised Code, the board of education of 10795
each city, local, and exempted village school district shall 10796
administer each applicable diagnostic assessment developed and 10797
provided to the district in accordance with section 3301.079 of 10798
the Revised Code to the following: 10799

(1) Any student who transfers into the district or to a 10800
different school within the district if each applicable 10801
diagnostic assessment was not administered by the district or 10802
school the student previously attended in the current school 10803
year, within thirty days after the date of transfer. If the 10804
district or school into which the student transfers cannot 10805
determine whether the student has taken any applicable 10806
diagnostic assessment in the current school year, the district 10807
or school may administer the diagnostic assessment to the 10808
student. However, if a student transfers into the district prior 10809
to the administration of the diagnostic assessments to all 10810
students under division (B) of this section, the district may 10811
administer the diagnostic assessments to that student on the 10812
date or dates determined under that division. 10813

(2) Each kindergarten student, not earlier than the first 10814
day of July of the school year and not later than the twentieth 10815
day of instruction of that school year. 10816

For the purpose of division (A) (2) of this section, the 10817
district shall administer the kindergarten readiness assessment 10818
provided by the department of education and workforce. In no 10819
case shall the results of the readiness assessment be used to 10820
prohibit a student from enrolling in kindergarten. 10821

(3) Each student enrolled in first, second, or third 10822
grade. 10823

Division (A) of this section does not apply to students 10824
with significant cognitive disabilities, as defined by the 10825
~~department of education.~~ 10826

(B) Each district board shall administer each diagnostic 10827
assessment when the board deems appropriate, provided the 10828
administration complies with section 3313.608 of the Revised 10829
Code. However, the board shall administer any diagnostic 10830
assessment at least once annually to all students in the 10831
appropriate grade level. A district board may administer any 10832
diagnostic assessment in the fall and spring of a school year to 10833
measure the amount of academic growth attributable to the 10834
instruction received by students during that school year. 10835

(C) A district may use different diagnostic assessments 10836
from those adopted under division (D) of section 3301.079 of the 10837
Revised Code in order to satisfy the requirements of division 10838
(A) (3) of this section if the district meets either of the 10839
following conditions for the immediately preceding school year: 10840

(1) The district received a grade of "A" or "B" for the 10841
performance index score under division (C) (1) (b) of section 10842
3302.03 of the Revised Code or for the value-added progress 10843
dimension under division (C) (1) (e) of that section. 10844

(2) The district received a performance rating of four 10845
stars or higher for achievement under division (D) (3) (b) of 10846
section 3302.03 of the Revised Code or for progress under 10847
division (D) (3) (c) of that section. 10848

(D) Each district board shall utilize and score any 10849
diagnostic assessment administered under division (A) of this 10850
section in accordance with rules established by the department. 10851
After the administration of any diagnostic assessment, each 10852

district shall provide a student's completed diagnostic 10853
assessment, the results of such assessment, and any other 10854
accompanying documents used during the administration of the 10855
assessment to the parent of that student, and shall include all 10856
such documents and information in any plan developed for the 10857
student under division (C) of section 3313.608 of the Revised 10858
Code. Each district shall submit to the department, in the 10859
manner the department prescribes, the results of the diagnostic 10860
assessments administered under this section, regardless of the 10861
type of assessment used under section 3313.608 of the Revised 10862
Code. The department may issue reports with respect to the data 10863
collected. The department may report school and district level 10864
kindergarten diagnostic assessment data and use diagnostic 10865
assessment data to calculate the measures prescribed by 10866
divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 3302.03 10867
of the Revised Code and the data reported under division (D) (2) 10868
(e) of that section. 10869

(E) Each district board shall provide intervention 10870
services to students whose diagnostic assessments show that they 10871
are failing to make satisfactory progress toward attaining the 10872
academic standards for their grade level. 10873

(F) ~~Beginning in the 2018-2019 school year, any~~ Any 10874
chartered nonpublic school may elect to administer the 10875
kindergarten readiness assessment to all kindergarten students 10876
enrolled in the school. If the school so elects, the chief 10877
administrator of the school shall notify the ~~superintendent of~~ 10878
~~public instruction~~ department not later than the thirty-first 10879
day of March prior to any school year in which the school will 10880
administer the assessment. The department shall furnish the 10881
assessment to the school at no cost to the school. In 10882
administering the assessment, the school shall do all of the 10883

following: 10884

(1) Enter into a written agreement with the department 10885
specifying that the school will share each participating 10886
student's assessment data with the department and, that for the 10887
purpose of reporting the data to the department, each 10888
participating student will be assigned a data verification code 10889
as described in division (D) (2) of section 3301.0714 of the 10890
Revised Code; 10891

(2) Require the assessment to be administered by a teacher 10892
certified under section 3301.071 of the Revised Code who either 10893
has completed training on administering the kindergarten 10894
readiness assessment provided by the department or has been 10895
trained by another person who has completed such training; 10896

(3) Administer the assessment in the same manner as school 10897
districts are required to do under this section and the rules 10898
established under division (D) of this section. 10899

(G) ~~Beginning in the 2019-2020 school year, a~~ A school 10900
district in which less than eighty per cent of its students 10901
score at the proficient level or higher on the third-grade 10902
English language arts assessment prescribed under section 10903
3301.0710 of the Revised Code shall establish a reading 10904
improvement plan supported by reading specialists. Prior to 10905
implementation, the plan shall be approved by the school 10906
district board of education. 10907

Sec. 3301.0716. Notwithstanding division (D) of section 10908
3301.0714 of the Revised Code, the department of education and 10909
workforce may have access to personally identifiable information 10910
about any student under the following circumstances: 10911

(A) An entity with which the department contracts for the 10912

scoring of assessments administered under section 3301.0711 or 10913
3301.0712 of the Revised Code has notified the department that 10914
the student's written response to a question on an assessment 10915
included threats or descriptions of harm to another person or 10916
the student's self and the information is necessary to enable 10917
the department to identify the student for purposes of notifying 10918
the school district or school in which the student is enrolled 10919
of the potential for harm. 10920

(B) The department requests the information to respond to 10921
an appeal from a school district or school for verification of 10922
the accuracy of the student's score on an assessment 10923
administered under section 3301.0711 or 3301.0712 of the Revised 10924
Code. 10925

(C) The department requests the information to determine 10926
whether the student satisfies the alternative conditions for a 10927
high school diploma prescribed in section 3313.615 of the 10928
Revised Code. 10929

Sec. 3301.0717. In addition to the duties imposed on it by 10930
law, the ~~state board~~ department of education and workforce shall 10931
establish and submit to the governor and the general assembly a 10932
clear and measurable set of goals with specific timetables for 10933
their achievement. The goals shall be established for programs 10934
designed to accomplish: 10935

(A) A reduction in rates of retention in grade; 10936

(B) Reductions in the need for remedial courses; 10937

(C) Reductions in the student dropout rate; 10938

(D) Improvements in scores on standardized tests; 10939

(E) Increases in satisfactory completion of high school 10940

achievement tests; 10941

(F) Increases in American college test scores; 10942

(G) Increases in the rate of college entry; 10943

(H) Reductions in the need for remedial courses for first-year college students. 10944
10945

In July of each odd-numbered year, ~~the state board of~~ 10946
~~education~~ department shall submit a report on progress made 10947
toward these goals to the governor and the general assembly. 10948

Sec. 3301.0718. ~~The state board~~ department of education_ 10949
and workforce shall not adopt or revise any standards or 10950
curriculum in the area of health unless, by concurrent 10951
resolution, the standards, curriculum, or revisions are approved 10952
by both houses of the general assembly. Before the house of 10953
representatives or senate votes on a concurrent resolution 10954
approving health standards, curriculum, or revisions, its 10955
standing committee having jurisdiction over education 10956
legislation shall conduct at least one public hearing on the 10957
standards, curriculum, or revisions. 10958

Sec. 3301.0719. (A) As used in this section, "business 10959
education" includes, but is not limited to, accounting, career 10960
development, economics and personal finance, entrepreneurship, 10961
information technology, management, and marketing. 10962

(B) ~~the state board~~ The department of education and 10963
workforce shall adopt standards for business education in grades 10964
seven through twelve. The standards shall incorporate existing 10965
business education standards as appropriate to help guide 10966
instruction in the state's schools. The department shall provide 10967
the standards, and any revisions of the standards, to all school 10968
districts, community schools established under Chapter 3314. of 10969

the Revised Code, and STEM schools established under Chapter 10970
3326. of the Revised Code. Any school district, community school 10971
or STEM school may utilize the standards. Standards adopted 10972
under this division shall supplement, and not supersede, 10973
academic content standards adopted under section 3301.079 of the 10974
Revised Code. 10975

Sec. 3301.0720. ~~The state board~~ department of education 10976
and workforce shall recommend all of the following to school 10977
districts in connection with the teaching of secondary school 10978
sciences: 10979

(A) A suggested curriculum for the teaching of chemistry, 10980
physics, biology, and whatever additional sciences the ~~state~~ 10981
~~board~~ department may select; 10982

(B) Lists of minimum supplies and equipment necessary for 10983
the teaching of each science for which a curriculum is suggested 10984
under division (A) of this section, with special emphasis on 10985
recommended safety equipment; 10986

(C) Acquisition and replacement schedules for the supplies 10987
and equipment listed under division (B) of this section. The 10988
schedules shall ensure availability of at least minimum 10989
inventories in every high school. 10990

(D) Suggested safety procedures, including all of the 10991
following: 10992

(1) Training for students and teachers in the safe 10993
handling and use of hazardous and potentially hazardous 10994
materials and equipment; 10995

(2) Methods of safely storing and disposing of hazardous 10996
and potentially hazardous materials; 10997

(3) Provisions for a biennial assessment of each high school's safety equipment and procedures by someone other than the school personnel directly responsible for them, and recommended procedures for making the results of any assessment available to the public.

Sec. 3301.0721. (A) ~~The superintendent of public instruction~~ department of education and workforce shall develop a model curriculum for instruction in college and career readiness and financial literacy. The curriculum shall focus on grades seven through twelve, but ~~the superintendent~~ may include other grade levels. When the model curriculum has been developed, the ~~department of education~~ shall notify all school districts, community schools established under Chapter 3314. of the Revised Code, and STEM schools established under Chapter 3326. of the Revised Code of the content of the curriculum. Any district or school may utilize the model curriculum.

(B) ~~The state board of education~~ director of education and workforce, in collaboration with the director of public safety, shall develop a model curriculum for instruction in grades nine through twelve on proper interactions with peace officers during traffic stops and other in-person encounters with peace officers. In developing the curriculum under division (B) of this section, ~~the state board and the director~~ directors may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the instruction. Before finalizing any curriculum under division (B) of this section, ~~the state board and the director~~ directors shall provide a reasonable period for public comment. The curriculum shall include both of the following:

(1) Information regarding all of the following:

(a) A person's rights during an interaction with a peace officer;	11028 11029
(b) Proper actions for interacting with a peace officer;	11030
(c) Which individuals are considered peace officers, and their duties and responsibilities;	11031 11032
(d) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws.	11033 11034 11035 11036
(2) Demonstrations and role-play activities in a classroom setting that allow students to better understand how interactions between civilians and peace officers can and should unfold.	11037 11038 11039 11040
As used in this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code.	11041 11042
Sec. 3301.0723. (A) The independent contractor engaged by the department of education <u>and workforce</u> to create and maintain for school districts and community schools the student data verification codes required by division (D) (2) of section 3301.0714 of the Revised Code, upon request of the director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall assign a data verification code to a child who is receiving such services and shall provide that code to the director. The contractor also shall provide that code to the department of education <u>and workforce</u> .	11043 11044 11045 11046 11047 11048 11049 11050 11051 11052 11053 11054 11055 11056

(B) The director of a state agency that receives a child's data verification code under division (A) of this section shall use that code to submit information for that child to the department of education and workforce in accordance with section 3301.0714 of the Revised Code.

(C) A public school that receives from the independent contractor the data verification code for a child assigned under division (A) of this section shall not request or assign to that child another data verification code under division (D) (2) of section 3301.0714 of the Revised Code. That school and any other public school in which the child subsequently enrolls shall use the data verification code assigned under division (A) of this section to report data relative to that student required under section 3301.0714 of the Revised Code.

Sec. 3301.0725. A school district may employ certificated instructional personnel for hours outside of the normal school day for the purpose of providing extended programming. Extended programming, as defined by rule of the ~~state board~~ department of education and workforce, shall be based upon learner needs and, if applicable, business and industry validated standards and competencies and shall enhance student learning opportunities. Extended programming shall be subject to the requirements of sections 3313.6018 and 3313.6019 of the Revised Code.

No rule of the ~~state board~~ department shall require extended programming employment of certificated instructional personnel as a condition of eligibility for funding under any other section of the Revised Code.

Sec. 3301.0726. (A) The department of education and workforce shall develop a packet of high school instructional materials on personal financial responsibility, including

instructional materials on the avoidance of credit card abuse, 11087
and shall distribute that packet to all school districts. The 11088
board of education of any school district may adopt part or all 11089
of the materials included in the packet for incorporation into 11090
the district's curriculum. 11091

(B) ~~The department of education~~ shall include supplemental 11092
instructional materials on the development of handwriting as a 11093
universal skill in the English language arts model curriculum 11094
under division (B) of section 3301.079 of the Revised Code for 11095
grades kindergarten through five. The instructional materials 11096
shall be designed to enable students to print letters and words 11097
legibly by grade three and create readable documents using 11098
legible cursive handwriting by the end of grade five. The 11099
instructional materials shall be included in the model 11100
curriculum not later than ~~the first day of July that next~~ 11101
~~succeeds the effective date of this amendment~~ July 1, 2019, and, 11102
thereafter, shall periodically be updated. 11103

Sec. 3301.0728. Notwithstanding anything in the Revised 11104
Code to the contrary, a student may retake any end-of-course 11105
examination prescribed under division (B) (2) of section 11106
3301.0712 of the Revised Code during the student's academic 11107
career at a time designated by the department of education and 11108
workforce. If, for any reason, a student does not take an end- 11109
of-course examination on the scheduled administration date, the 11110
~~department of education~~ shall make available to the student the 11111
examination for which the student was absent, or a substantially 11112
similar examination as determined by the department, so that the 11113
student may take the examination or a substantially similar 11114
examination at a later time in the student's academic career. 11115
~~The state board of education~~ department shall adopt rules in 11116
accordance with Chapter 119. of the Revised Code to implement 11117

the provisions of this section. 11118

Sec. 3301.0730. (A) As used in this section: 11119

(1) "Education management information system" means the 11120
integrated system of statewide data collecting, reporting, and 11121
compiling for school districts and schools prescribed under 11122
section 3301.0714 of the Revised Code. 11123

(2) "EMIS guidelines" means any guidance issued by the 11124
department of education and workforce containing the student, 11125
staff, and financial information to be collected and reported, 11126
along with data-element definitions, procedures, and guidelines 11127
necessary to implement the education management information 11128
system. 11129

(B) ~~Not later than June 1, 2021, the~~ The department shall 11130
develop a procedure that permits users of the education 11131
management information system to review and provide comment on 11132
new or updated EMIS guidelines. The procedure shall satisfy all 11133
of the following conditions: 11134

(1) The department shall post a copy of the proposed new 11135
or updated EMIS guidelines on the department's web site. The 11136
department shall solicit comment from EMIS users on the proposed 11137
guidelines for thirty consecutive days. 11138

(2) The department shall respond to comments provided by 11139
users and may revise the proposed new or updated EMIS guidelines 11140
based on comments provided by users within thirty consecutive 11141
days after the comment period closes. 11142

(3) The department shall post the final new or updated 11143
EMIS guidelines on its web site at the end of the response 11144
period for thirty consecutive days for a final review by EMIS 11145
users. The new or updated guidelines shall take effect after 11146

that period ends. 11147

(C) Except as provided in division (D) of this section, if 11148
the department develops new or updated EMIS guidelines to 11149
implement a program, initiative, or policy, the department shall 11150
use the procedures prescribed under division (B) of this 11151
section. ~~For any such new or updated guidelines proposed to be~~ 11152
~~effective for the 2021-2022 school year, the department shall~~ 11153
~~initiate the procedures not later than June 15, 2021. For any~~ 11154
~~such new or updated guidelines proposed to be effective for a~~ 11155
~~subsequent school year, the~~ The department shall initiate the 11156
procedures not later than the fifteenth day of May immediately 11157
prior to the beginning of ~~that~~ the school year for which the new 11158
or updated EMIS guidelines will be effective. 11159

(D) On and after June 1, 2021, the department shall use 11160
the procedure prescribed under division (B) of this section for 11161
any new or updated EMIS guidelines developed by the department 11162
for the purposes of implementing any of the following: 11163

(1) A newly enacted state or federal law; 11164

(2) A new or updated federal rule; 11165

(3) A rule ~~or resolution~~ adopted by the ~~state board of~~ 11166
~~education~~ department. 11167

(E) The department shall not be required to use the 11168
procedure prescribed under division (B) of this section when 11169
issuing any of the following: 11170

(1) Updated EMIS guidelines to address issues that are not 11171
substantive, such as correcting grammatical errors; 11172

(2) Updated EMIS guidelines to address unforeseen 11173
technical errors; 11174

(3) Supplemental documents regarding EMIS guidelines and the education management information system, including documents that do any of the following:	11175 11176 11177
(a) Clarify the implementation of EMIS guidelines;	11178
(b) Answer questions submitted by users of the education management system;	11179 11180
(c) Provide training regarding the education management information system.	11181 11182
(F) Additionally, the department shall establish both of the following:	11183 11184
(1) Uniform guidance for career-technical planning districts and information technology centers established under section 3301.075 of the Revised Code regarding the education management information system and EMIS guidelines for career-technical planning districts;	11185 11186 11187 11188 11189
(2) Uniform training programs for all personnel employed by the department to administer the education management information system.	11190 11191 11192
<u>Sec. 3301.0731. The minimum education standards prescribed by the director of education and workforce for nonchartered nonpublic schools under section 3301.07 of the Revised Code shall comply with this section.</u>	11193 11194 11195 11196
<u>(A) A nonchartered nonpublic school that is not seeking a charter from the department of education and workforce because of truly held religious beliefs shall annually certify in a report to the parents of its pupils that the school meets minimum education standards for nonchartered nonpublic schools as described in this section. A copy of the report shall be</u>	11197 11198 11199 11200 11201 11202

filed with the department of education and workforce on or 11203
before the thirtieth day of September of each year. 11204

(B) A nonchartered nonpublic school shall be open for 11205
instruction with pupils in attendance for not less than four 11206
hundred fifty-five hours in the case of pupils in kindergarten 11207
unless such pupils are provided all-day kindergarten, in which 11208
case the pupils shall be in attendance for nine hundred ten 11209
hours; nine hundred ten hours in the case of pupils in grades 11210
one through six; and one thousand one hours in the case of 11211
pupils in grades seven through twelve in each school year. 11212

(C) The parents of a child enrolled in a nonchartered 11213
nonpublic school shall be responsible for reporting their 11214
child's enrollment or withdrawal from that school to the 11215
treasurer of the board of education of the city, exempted 11216
village, or local school district in which the pupil resides. 11217
Pupil attendance is reported for the purposes of facilitating 11218
the administration of laws relating to compulsory education and 11219
the employment of minors. An individual in charge of the 11220
nonchartered nonpublic school may, as a matter of convenience, 11221
provide the report to the treasurer on behalf of the parents. 11222

The attendance report shall include the name, age, and 11223
place of residence of each pupil below eighteen years of age. 11224
The report shall be made within the first two weeks of the 11225
beginning of each school year. In the case of pupil withdrawal 11226
or entrance during the school year, notice shall be given to the 11227
treasurer of the appropriate board of education within the first 11228
week of the next school month. 11229

(D) Teachers and administrators at nonchartered nonpublic 11230
schools shall hold at least a bachelor's degree, or the 11231
equivalent, from a recognized college or university. 11232

<u>(E) The curriculum of each nonchartered nonpublic school</u>	11233
<u>shall include the study of the following subjects:</u>	11234
<u>(1) Language arts;</u>	11235
<u>(2) Geography, the history of the United States and Ohio,</u>	11236
<u>and national, state, and local government;</u>	11237
<u>(3) Mathematics;</u>	11238
<u>(4) Science;</u>	11239
<u>(5) Health;</u>	11240
<u>(6) Physical education;</u>	11241
<u>(7) The fine arts, including music;</u>	11242
<u>(8) First aid, safety, and fire prevention;</u>	11243
<u>(9) Other subjects as prescribed by the nonchartered</u>	11244
<u>nonpublic school.</u>	11245
<u>(F) Each nonchartered nonpublic school shall follow</u>	11246
<u>regular procedures for promotion from grade to grade for pupils</u>	11247
<u>who have met the school's educational requirements.</u>	11248
<u>(G) Each nonchartered nonpublic school shall comply with</u>	11249
<u>all applicable health, fire, and safety laws.</u>	11250
<u>(H) Pupils attending a nonchartered nonpublic school shall</u>	11251
<u>not be entitled to pupil transportation or auxiliary services. A</u>	11252
<u>nonchartered nonpublic school is not entitled to reimbursement</u>	11253
<u>for administrative costs.</u>	11254
Sec. 3301.10. The superintendent of public instruction	11255
<u>director of education and workforce shall be a member of the</u>	11256
board of trustees of the Ohio history connection, in addition to	11257
the members constituting such board.	11258

Sec. 3301.11. The superintendent of public instruction 11259
shall be the executive and administrative officer of the state 11260
board of education in its administration of all educational 11261
matters and functions placed under its management and control. 11262
~~He~~ The superintendent shall execute, under the direction of the 11263
state board of education, the educational policies, orders, 11264
directives, and administrative functions of the board, ~~and shall~~ 11265
~~direct, under rules and regulations adopted by the board, the~~ 11266
~~work of all persons employed in the state department of~~ 11267
~~education.~~ 11268

Upon the request of the state board of education, the 11269
superintendent of public instruction shall report to the board 11270
on any matter. 11271

Sec. 3301.111. (A) The state board of education is 11272
responsible for the adoption of requirements for educator 11273
licensure, licensee disciplinary actions, school district 11274
territory transfer determinations, and such other powers and 11275
duties expressly prescribed for the state board under the law, 11276
including in sections 3301.071, 3301.074, 3301.28, 3302.151, 11277
3314.40, 3326.24, 3328.19, and Chapters 3311. and 3319. of the 11278
Revised Code. In exercising any of its powers or duties, 11279
including adopting rules prescribing license requirements, the 11280
state board is subject to Chapter 119. of the Revised Code. 11281

(B) The state board shall make recommendations to the 11282
director of education and workforce regarding priorities for 11283
primary and secondary education. The state board may request the 11284
assistance of the department of education and workforce in 11285
exercising the state board's powers and duties. To the extent 11286
the director determines such assistance necessary and 11287
practicable, the department shall provide the requested 11288

assistance. 11289

(C) The state board shall appoint the superintendent of 11290
public instruction in accordance with Ohio Constitution, Article 11291
VI, Section 4 and section 3301.08 of the Revised Code. The state 11292
superintendent shall be the secretary of the state board and its 11293
executive officer in accordance with sections 3301.09 and 11294
3301.11 of the Revised Code. The state superintendent may serve 11295
as an advisor to the director. 11296

(D) The state board shall employ such personnel as it 11297
determines necessary to carry out its duties and powers. Subject 11298
to the state board's policies, rules, and regulations, the state 11299
superintendent shall exercise general supervision of the state 11300
board's employees, as prescribed in section 3301.11 of the 11301
Revised Code, and may appoint, fix the salary, and terminate the 11302
employment of such employees. 11303

(E) The state board is subject to all provisions of law 11304
pertaining to departments, offices, or institutions established 11305
for the exercise of any function of the state government, except 11306
that it is not one of the departments provided for under 11307
division (A) of section 121.01 of the Revised Code. 11308

(F) The headquarters of the state board shall be at the 11309
seat of government, where office space suitable and adequate for 11310
the work of the state board shall be provided by the appropriate 11311
state agency. There the state board shall meet and transact its 11312
business, unless the state board chooses to meet elsewhere in 11313
Ohio as provided by section 3301.04 of the Revised Code. There 11314
the records of the state board and the records, papers, and 11315
documents belonging to the state board shall be kept in charge 11316
of the state superintendent. 11317

Sec. 3301.12. (A) ~~The superintendent of public instruction-~~ 11318
director of education and workforce, in addition to the 11319
authority otherwise imposed on the ~~superintendent~~ director, 11320
shall perform the following duties: 11321

(1) ~~The superintendent shall provide~~ Provide technical and 11322
professional assistance and advice to all school districts in 11323
reference to all aspects of education, including finance, 11324
buildings and equipment, administration, organization of school 11325
districts, curriculum and instruction, transportation of pupils, 11326
personnel problems, and the interpretation of school laws and 11327
state regulations. 11328

(2) ~~The superintendent shall prescribe~~ Prescribe and 11329
require the preparation and filing of such financial and other 11330
reports from school districts, officers, and employees as are 11331
necessary or proper. ~~The superintendent~~ director shall prescribe 11332
and require the installation by school districts of such 11333
standardized reporting forms and accounting procedures as are 11334
essential to the businesslike operations of the public schools 11335
of the state. 11336

(3) ~~The superintendent shall conduct~~ Conduct such studies 11337
and research projects as are necessary or desirable for the 11338
improvement of public school education in Ohio, ~~and such as may~~ 11339
~~be assigned to the superintendent by the state board of~~ 11340
~~education.~~ Such studies and projects may include analysis of 11341
data contained in the education management information system 11342
established under section 3301.0714 of the Revised Code. For any 11343
study or project that requires the analysis of individual 11344
student data, the department of education and workforce or any 11345
entity with which the ~~superintendent~~ director or department 11346
contracts to conduct the study or project shall maintain the 11347

confidentiality of student data at all times. For this purpose, 11348
the department or contracting entity shall use the data 11349
verification code assigned pursuant to division (D) (2) of 11350
section 3301.0714 of the Revised Code for each student whose 11351
data is analyzed. Except as otherwise provided in division (D) 11352
(1) of section 3301.0714 of the Revised Code, at no time shall 11353
the ~~superintendent~~director, the department, the state board of 11354
education, or any entity conducting a study or research project 11355
on the ~~superintendent's~~director's behalf have access to a 11356
student's name, address, or social security number while 11357
analyzing individual student data. 11358

(4) ~~The superintendent shall prepare~~ Prepare and submit 11359
annually ~~to the state board of education~~ a report of the 11360
activities of the department ~~of education~~ and the status, 11361
problems, and needs of education in the state ~~of Ohio.~~; 11362

(5) ~~The superintendent shall supervise~~ Supervise all 11363
agencies over which the ~~board~~ department exercises 11364
administrative control, including schools for education of 11365
persons with disabilities. 11366

(6) In accordance with section 3333.048 of the Revised 11367
Code, the ~~superintendent, director,~~ jointly with the chancellor 11368
of ~~the Ohio board of regents,~~ higher education, shall establish 11369
metrics and courses of study for institutions of higher 11370
education that prepare educators and other school personnel and 11371
shall provide for inspection of those institutions. 11372

(B) ~~The superintendent of public instruction~~ director may 11373
annually inspect and analyze the expenditures of each school 11374
district and make a determination as to the efficiency of each 11375
district's costs, relative to other school districts in the 11376
state, for instructional, administrative, and student support 11377

services. The ~~superintendent~~ director shall notify each school 11378
district as to the nature of, and reasons for, the 11379
determination. The ~~state board of education~~ director shall adopt 11380
rules in accordance with Chapter 119. of the Revised Code 11381
setting forth the procedures and standards for the performance 11382
of the inspection and analysis. 11383

Sec. 3301.121. (A) In addition to the duties and 11384
responsibilities of the ~~superintendent of public instruction~~ 11385
director of education and workforce set forth in section 3301.12 11386
of the Revised Code, the ~~superintendent~~ director, in accordance 11387
with this section and section 3313.662 of the Revised Code, 11388
shall conduct an adjudication procedure to determine whether to 11389
permanently exclude from attending any of the public schools of 11390
this state any pupil who is the subject of a resolution 11391
forwarded to the ~~superintendent~~ director by a board of education 11392
pursuant to division (D) of section 3313.662 of the Revised 11393
Code. 11394

(B) (1) Except as provided in division (B) (3) of this 11395
section, within fourteen days after receipt of a resolution 11396
forwarded by a board of education pursuant to division (D) of 11397
section 3313.662 of the Revised Code, the ~~superintendent of~~ 11398
~~public instruction~~ director or the ~~superintendent's~~ director's 11399
designee shall provide the pupil who is the subject of the 11400
resolution and that pupil's parent, guardian, or custodian with 11401
a notice of an opportunity for an adjudication hearing on the 11402
proposed permanent exclusion of the pupil from attending any of 11403
the public schools of this state. The notice shall include all 11404
of the following: 11405

(a) The date, time, and place of the permanent exclusion 11406
adjudication hearing; 11407

(b) A statement informing the pupil and the pupil's parent, guardian, or custodian that the pupil may attend the adjudication hearing at the date, time, and place set forth in the notice, that the failure of the pupil or the pupil's parent, guardian, or custodian to attend the adjudication hearing will result in a waiver of the pupil's right to present evidence, testimony, and factors in mitigation of the pupil's permanent exclusion at an adjudication hearing on the proposed permanent exclusion, and that the pupil shall be accorded all of the following rights:

(i) The right to testify, to present evidence and the testimony of witnesses, and to confront, cross-examine, and compel the attendance of witnesses;

(ii) The right to a record of the hearing;

(iii) The right to written findings.

(c) A statement informing the pupil and the pupil's parent, guardian, or custodian that the pupil has the right to be represented by counsel at the adjudication hearing.

(d) A statement informing the pupil and the pupil's parent, guardian, or custodian that, if the pupil by failing to attend the hearing waives the pupil's right to present evidence, testimony, and factors in mitigation of the pupil's permanent exclusion at an adjudication hearing on the proposed permanent exclusion, the ~~superintendent~~ director is required to review the information relevant to the permanent exclusion that is available to the ~~superintendent~~ director and is permitted to enter an order requiring the pupil's permanent exclusion from attending any of the public schools of this state at any time within seven days after the conclusion of the adjudication

hearing. 11437

(2) The ~~superintendent~~ director or the ~~superintendent's~~ director's designee shall provide the notice required by division (B) (1) of this section to the pupil and to the pupil's parent, guardian, or custodian by certified mail or personal service. 11438
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(3) (a) If a pupil who is the subject of a resolution forwarded to the ~~superintendent of public instruction~~ director by a board of education pursuant to section 3313.662 of the Revised Code is in the custody of the department of youth services pursuant to a disposition under any provision of Chapter 2152. of the Revised Code, other than division (A) (1) (a) of section 2152.16 of the Revised Code, at the time the resolution is forwarded, the department shall notify in writing the ~~superintendent of public instruction~~ director and the board of education that forwarded the resolution of that fact. Upon receipt of the notice, the ~~superintendent~~ director shall delay providing the notice required by division (B) (1) of this section and the adjudication of the request for permanent exclusion until the ~~superintendent~~ director receives further notice from the department pursuant to division (B) (3) (b) of this section. 11443
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(b) At least sixty days before a pupil described in division (B) (3) (a) of this section will be released from institutionalization or institutionalization in a secure facility by the department of youth services, the department shall notify in writing the ~~superintendent of public instruction~~ director and the board of education that forwarded the resolution pursuant to section 3313.662 of the Revised Code of the impending release and shall provide in that notice information regarding the extent of the education the pupil 11458
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received while in the custody of the department, including 11467
whether the pupil has obtained a certificate of high school 11468
equivalence. 11469

If the pupil has not obtained a certificate of high school 11470
equivalence while in the custody of the department of youth 11471
services, the ~~superintendent of public instruction~~ director 11472
shall provide the notice required by division (B) (1) of this 11473
section and, at least thirty days before the pupil is to be 11474
released from institutionalization or institutionalization in a 11475
secure facility, conduct an adjudication procedure to determine 11476
whether to permanently exclude the pupil from attending the 11477
public schools of this state in accordance with this section. If 11478
the pupil has obtained a certificate of high school equivalence 11479
while in the custody of the department, the ~~superintendent~~ 11480
director, in the ~~superintendent's~~ director's discretion, may 11481
conduct the adjudication. 11482

(C) (1) Except as provided in division (B) (3) of this 11483
section, the date of the adjudication hearing set forth in the 11484
notice required by division (B) (1) of this section shall be a 11485
date no less than fourteen days nor more than twenty-one days 11486
from the date the ~~superintendent~~ director sends the notice by 11487
certified mail or initiates personal service of the notice. 11488

(2) The ~~superintendent~~ director, for good cause shown on 11489
the written request of the pupil or the pupil's parent, 11490
guardian, or custodian, or on the ~~superintendent's~~ director's 11491
own motion, may grant reasonable continuances of any 11492
adjudication hearing held under this section but shall not grant 11493
either party total continuances in excess of ten days. 11494

(3) If a pupil or the pupil's parent, guardian, or 11495
custodian does not appear at the adjudication hearing on a 11496

proposed permanent exclusion, the ~~superintendent~~ director or the 11497
referee appointed by the ~~superintendent~~ director shall proceed 11498
to conduct an adjudication hearing on the proposed permanent 11499
exclusion on the date for the adjudication hearing that is set 11500
forth in the notice provided pursuant to division (B) (1) of this 11501
section or on the date to which the hearing was continued 11502
pursuant to division (C) (2) of this section. 11503

(D) (1) The ~~superintendent~~ director or a referee appointed 11504
by the ~~superintendent~~ director may conduct an adjudication 11505
hearing to determine whether to permanently exclude a pupil in 11506
one of the following counties: 11507

(a) The county in which the ~~superintendent~~ director holds 11508
the ~~superintendent's~~ director's office; 11509

(b) Upon the request of the pupil or the pupil's parent, 11510
guardian, custodian, or attorney, in the county in which the 11511
board of education that forwarded the resolution requesting the 11512
permanent exclusion is located if the ~~superintendent~~ director, 11513
in the ~~superintendent's~~ director's discretion and upon 11514
consideration of evidence of hardship presented on behalf of the 11515
requesting pupil, determines that the hearing should be 11516
conducted in that county. 11517

(2) The ~~superintendent of public instruction~~ director or a 11518
referee appointed by the ~~superintendent~~ director shall conduct 11519
an adjudication hearing on a proposed permanent exclusion of a 11520
pupil. The referee may be an attorney admitted to the practice 11521
of law in this state but shall not be an attorney that 11522
represents the board of education that forwarded the resolution 11523
requesting the permanent exclusion. 11524

(3) The ~~superintendent~~ director or referee who conducts an 11525

adjudication hearing under this section may administer oaths, 11526
issue subpoenas to compel the attendance of witnesses and 11527
evidence, and enforce the subpoenas by a contempt proceeding in 11528
the court of common pleas as provided by law. The ~~superintendent~~ 11529
director or referee may require the separation of witnesses and 11530
may bar from the proceedings any person whose presence is not 11531
essential to the proceedings. 11532

(4) The ~~superintendent of public instruction~~ director 11533
shall request the department of rehabilitation and correction, 11534
the sheriff, the department of youth services, or any publicly 11535
funded out-of-home care entity that has legal custody of a pupil 11536
who is the subject of an adjudication hearing held pursuant to 11537
this section to transport the pupil to the place of the 11538
adjudication hearing at the time and date set for the hearing. 11539
The department, sheriff, or publicly funded out-of-home care 11540
entity that receives the request shall provide transportation 11541
for the pupil who is the subject of the adjudication hearing to 11542
the place of the hearing at the time and date set for the 11543
hearing. The department, sheriff, or entity shall pay the cost 11544
of transporting the pupil to and from the hearing. 11545

(E) (1) An adjudication hearing held pursuant to this 11546
section shall be adversary in nature, shall be conducted fairly 11547
and impartially, and may be conducted without the formalities of 11548
a criminal proceeding. A pupil whose permanent exclusion is 11549
being adjudicated has the right to be represented by counsel at 11550
the adjudication hearing. If the pupil has the financial 11551
capacity to retain counsel, the ~~superintendent~~ director or the 11552
referee is not required to provide counsel for the pupil. At the 11553
adjudication hearing, the pupil also has the right to cross- 11554
examine witnesses against the pupil, to testify, to present 11555
evidence and the testimony of witnesses on the pupil's behalf, 11556

and to raise factors in mitigation of the pupil's being 11557
permanently excluded. 11558

(2) In an adjudication hearing held pursuant to this 11559
section and section 3313.662 of the Revised Code, a 11560
representative of the school district of the board of education 11561
that adopted and forwarded the resolution requesting the 11562
permanent exclusion of the pupil shall present the case for 11563
permanent exclusion to the ~~superintendent~~ director or the 11564
referee. The representative of the school district may be an 11565
attorney admitted to the practice of law in this state. At the 11566
adjudication hearing, the representative of the school district 11567
shall present evidence in support of the requested permanent 11568
exclusion. The ~~superintendent~~ director or the ~~superintendent's~~ 11569
director's designee shall consider the entire school record of 11570
the pupil who is the subject of the adjudication and shall 11571
consider any of the following information that is available: 11572

(a) The academic record of the pupil and a record of any 11573
extracurricular activities in which the pupil previously was 11574
involved; 11575

(b) The disciplinary record of the pupil and any available 11576
records of the pupil's prior behavioral problems other than the 11577
behavioral problems contained in the disciplinary record; 11578

(c) The social history of the pupil; 11579

(d) The pupil's response to the imposition of prior 11580
discipline and sanctions imposed for behavioral problems; 11581

(e) Evidence regarding the seriousness of and any 11582
aggravating factors related to the offense that is the basis of 11583
the resolution seeking permanent exclusion; 11584

(f) Any mitigating circumstances surrounding the offense 11585

that gave rise to the request for permanent exclusion; 11586

(g) Evidence regarding the probable danger posed to the 11587
health and safety of other pupils or of school employees by the 11588
continued presence of the pupil in a public school setting; 11589

(h) Evidence regarding the probable disruption of the 11590
teaching of any school district's graded course of study by the 11591
continued presence of the pupil in a public school setting; 11592

(i) Evidence regarding the availability of alternative 11593
sanctions of a less serious nature than permanent exclusion that 11594
would enable the pupil to remain in a public school setting 11595
without posing a significant danger to the health and safety of 11596
other pupils or of school employees and without posing a threat 11597
of the disruption of the teaching of any district's graded 11598
course of study. 11599

(3) In any adjudication hearing conducted pursuant to this 11600
section and section 3313.662 of the Revised Code, a court order 11601
that proves the adjudication or conviction that is the basis for 11602
the resolution of the board of education seeking permanent 11603
exclusion is sufficient evidence to prove that the pupil 11604
committed a violation as specified in division (F)(1) of this 11605
section. 11606

(4) The ~~superintendent~~ director or the referee shall make 11607
or cause to be made a record of any adjudication hearing 11608
conducted pursuant to this section. 11609

(5) A referee who conducts an adjudication hearing 11610
pursuant to this section shall promptly report the referee's 11611
findings in writing to the ~~superintendent~~ director at the 11612
conclusion of the adjudication hearing. 11613

(F) If an adjudication hearing is conducted or a 11614

determination is made pursuant to this section and section 11615
3313.662 of the Revised Code, the ~~superintendent~~ director shall 11616
review and consider the evidence presented, the entire school 11617
record of the pupil, and any available information described in 11618
divisions (E) (2) (a) to (i) of this section and shall not enter 11619
an order of permanent exclusion unless the ~~superintendent~~ 11620
director or the ~~superintendent's~~ appointed referee finds, by a 11621
preponderance of the evidence, both of the following: 11622

(1) That the pupil was convicted of or adjudicated a 11623
delinquent child for committing a violation listed in division 11624
(A) of section 3313.662 of the Revised Code and that the 11625
violation was committed when the child was sixteen years of age 11626
or older; 11627

(2) That the pupil's continued attendance in the public 11628
school system may endanger the health and safety of other pupils 11629
or school employees. 11630

(G) (1) Within seven days after the conclusion of an 11631
adjudication hearing that is conducted pursuant to this section, 11632
the ~~superintendent of public instruction~~ director shall enter an 11633
order in relation to the permanent exclusion of the pupil who is 11634
the subject of the hearing or determination. 11635

(2) If the ~~superintendent~~ director or a referee makes the 11636
findings described in divisions (F) (1) and (2) of this section, 11637
the ~~superintendent~~ director shall issue a written order that 11638
permanently excludes the pupil from attending any of the public 11639
schools of this state and immediately shall send a written 11640
notice of the order to the board of education that forwarded the 11641
resolution, to the pupil who was the subject of the resolution, 11642
to that pupil's parent, guardian, or custodian, and to that 11643
pupil's attorney, that includes all of the following: 11644

- (a) A copy of the order of permanent exclusion; 11645
- (b) A statement informing the pupil and the pupil's 11646
parent, guardian, or custodian of the pupil's right to appeal 11647
the order of permanent exclusion pursuant to division (H) of 11648
this section and of the possible revocation of the permanent 11649
exclusion pursuant to division (I) of this section if a final 11650
judicial determination reverses the conviction or adjudication 11651
that was the basis for the permanent exclusion; 11652
- (c) A statement informing the pupil and the pupil's 11653
parent, guardian, or custodian of the provisions of divisions 11654
(F), (G), and (H) of section 3313.662 of the Revised Code. 11655
- (3) If the ~~superintendent~~ director or a referee does not 11656
make the findings described in divisions (F) (1) and (2) of this 11657
section, the ~~superintendent~~ director shall issue a written order 11658
that rejects the resolution of the board of education and 11659
immediately shall send written notice of that fact to the board 11660
of education that forwarded the resolution, to the pupil who was 11661
the subject of the proposed resolution, and to that pupil's 11662
parent, guardian, or custodian. 11663
- (H) A pupil may appeal an order of permanent exclusion 11664
made by the ~~superintendent of public instruction~~ director 11665
pursuant to this section and section 3313.662 of the Revised 11666
Code to the court of common pleas of the county in which the 11667
board of education that forwarded the resolution requesting the 11668
permanent exclusion is located. The appeal shall be conducted in 11669
accordance with Chapter 2505. of the Revised Code. 11670
- (I) If a final judicial determination reverses the 11671
conviction or adjudication that is the basis of a permanent 11672
exclusion ordered under this section, the ~~superintendent of~~ 11673

~~public instruction director~~, upon receipt of a certified copy of 11674
an order reflecting that final determination from the pupil or 11675
that pupil's parent, guardian, custodian, or attorney, shall 11676
revoke the order of permanent exclusion. 11677

(J) As used in this section: 11678

(1) "Permanently exclude" and "permanent exclusion" have 11679
the same meanings as in section 3313.662 of the Revised Code. 11680

(2) "Out-of-home care" and "legal custody" have the same 11681
meanings as in section 2151.011 of the Revised Code. 11682

(3) "Certificate of high school equivalence" has the same 11683
meaning as in section 4109.06 of the Revised Code. 11684

Sec. 3301.13. (A) The department of education and 11685
workforce is hereby created. The department shall be headed by 11686
the director of education and workforce, who shall be appointed 11687
by the governor with the advice and consent of the senate. 11688

(B) The department consists of the following divisions: 11689

(1) The division of primary and secondary education, which 11690
shall be headed by a deputy director appointed by the director 11691
with the advice and consent of the senate; 11692

(2) The division of career-technical education, which 11693
shall be headed by a deputy director appointed by the director 11694
with the advice and consent of the senate. 11695

The director shall appoint an individual with appropriate 11696
educational, professional, or managerial experience, as 11697
determined by the director, to be the deputy director of primary 11698
and secondary education or career-technical education. 11699

(C) All powers and duties regarding primary, secondary, 11700

special, and career-technical education granted to the state 11701
board, the state superintendent, or the former department of 11702
education, as prescribed by law in effect prior to the effective 11703
date of this section, except those prescribed for the state 11704
board of education as described in section 3301.111 of the 11705
Revised Code, are transferred to the director of education and 11706
workforce, who may delegate those duties and powers to the 11707
division of primary and secondary education or the division of 11708
career-technical education as the director determines 11709
appropriate. 11710

(D) The department of education and workforce is subject 11711
to all provisions of law pertaining to departments, offices, or 11712
institutions established for the exercise of any function of the 11713
state government and is subject to Chapter 119. of the Revised 11714
Code. The headquarters of the department of education and 11715
workforce is at the seat of government, where office space 11716
suitable and adequate for the work of the department shall be 11717
provided by the appropriate state agency. 11718

(E) (1) The director is responsible for administrative 11719
rules adopted by the department for the implementation of the 11720
powers and duties of the department. The director's rulemaking 11721
authority is limited to the director's or department's 11722
statutorily prescribed powers and duties. 11723

(2) In accordance with section 106.042 of the Revised 11724
Code, the general assembly, by adopting a concurrent resolution, 11725
may rescind or invalidate any rule adopted by the director under 11726
section 111.15 or Chapter 119. of the Revised Code. 11727

(F) Any policy adopted or guidance issued by the director 11728
or the department that is not expressly authorized or required 11729
by state or federal statute shall be advisory in nature. Any 11730

such policy or guidance is nonbinding on schools and educators 11731
and does not have the force and effect of law. 11732

(G) The director shall employ such personnel as the 11733
director determines necessary to carry out the duties and powers 11734
of the department of education and workforce. 11735

(H) No individual shall hold the office of director of 11736
education and workforce, deputy director of primary and 11737
secondary education, or deputy director of career-technical 11738
education without being appointed with the advice and consent of 11739
the senate as described in this section, unless that individual 11740
is serving as director or deputy director on an interim basis. 11741
No individual shall serve as director or deputy director on an 11742
interim basis for more than forty-five days. 11743

(I) The standing committee of the senate that considers 11744
primary and secondary education legislation shall hold at least 11745
one in-person hearing on the nomination of an individual to 11746
serve as director of education and workforce, deputy director of 11747
primary and secondary education, or deputy director of career- 11748
technical education before the full senate holds a confirmation 11749
vote on that nomination. 11750

Sec. 3301.131. The department of education and workforce 11751
shall encourage, seek out, and publicize to the general public 11752
and the school districts of this state, innovative and exemplary 11753
school-parent and school-business partnerships. The board of 11754
education of a district involved in such a partnership shall 11755
cooperate with the department by providing information about the 11756
partnership. As used in this section: 11757

(A) "School-parent partnership" means a program that 11758
actively involves parents of students in the decision-making 11759

process of the school district or individual schools within the 11760
district; 11761

(B) "School-business partnership" means a program in this 11762
state in which businesses, labor organizations, associations, 11763
foundations, or other persons, assist local schools in preparing 11764
children for employment or higher education, and may include 11765
programs involving work experience, mentoring, tutoring, 11766
incentive grants, or the use of corporate facilities and 11767
equipment. 11768

Sec. 3301.132. Not later than ninety days after the 11769
effective date of this section, the director of education and 11770
workforce shall amend or rescind any administrative rules 11771
regarding home education and nonchartered nonpublic schools as 11772
necessary to conform with sections 3301.0731 and 3321.042 of the 11773
Revised Code as enacted by this act. Thereafter, neither the 11774
director nor the department of education and workforce shall 11775
prescribe or adopt any additional rules regarding home education 11776
or nonchartered nonpublic schools. 11777

Sec. 3301.133. As used in this section, "form" means any 11778
report, document, paper, computer software program, or other 11779
instrument used in the management information system created by 11780
section 3301.0714 of the Revised Code or used to gather required 11781
or requested education data under division (I) of section 11782
3301.07 of the Revised Code or any other provision of state or 11783
federal statute or rule. 11784

(A) The organization of the department of education and 11785
workforce shall include an identifiable organizational unit that 11786
deals with the management of any education data that the 11787
department gathers, processes, uses, or reports. The- 11788
~~superintendent of public instruction~~ director of education and 11789

workforce shall assign employees to this unit or employ persons 11790
for this unit who are trained and experienced in data management 11791
and the design of forms and who understand the data needs of the 11792
department ~~of education~~. The ~~superintendent~~ director shall 11793
provide a sufficient number of such employees for the unit to 11794
perform its duties in an effective and timely manner. 11795

(B) The unit established pursuant to division (A) of this 11796
section shall: 11797

(1) Review each new form or modification of any existing 11798
form that the ~~state board, the superintendent of public~~ 11799
~~instruction, or the department of education~~ proposes to put into 11800
use ~~on or after July 1, 1992~~. In conducting the review of any 11801
form, the unit shall evaluate it utilizing at least the criteria 11802
specified under division (C) of this section. The unit shall 11803
report in writing to the ~~superintendent of public instruction~~ 11804
director whether the form satisfies the criteria specified under 11805
division (C) of this section, and if not, the reasons why it 11806
does not. Each report shall include recommendations regarding 11807
the simplification, consolidation, or elimination of the 11808
proposed form or any other forms related to the proposed form 11809
that would enable all the criteria specified under division (C) 11810
of this section to be met. 11811

(2) Regularly contact and seek to work with other state 11812
and federal agencies that collect and use education data for the 11813
purpose of increasing the efficiency and coordination of data 11814
collection; 11815

(3) Perform any other duties assigned by the- 11816
~~superintendent of public instruction~~ director. 11817

(C) In conducting the review of any form pursuant to 11818

division (B) (1) of this section, the unit established under 11819
division (A) of this section shall determine whether the 11820
following criteria are satisfied: 11821

(1) Each data item on the form does not duplicate data 11822
already submitted to the ~~state board, superintendent of public-~~ 11823
~~instruction, or department of education.~~ 11824

(2) The form cannot be consolidated with any other form 11825
required by the ~~state board, superintendent, or~~ department. 11826

(3) The form is required to be submitted no more often 11827
than necessary and no sooner than reasonably necessary prior to 11828
the date on which the data reported on the form will be 11829
initially used. 11830

(4) The stated purpose of the form cannot be met as part 11831
of any other procedure, such as a verification or certification 11832
procedure or other reporting procedure. 11833

(5) If the form or any data item on the form is attributed 11834
to any requirement of state statute, federal statute or rule, or 11835
any court, the form or data item is limited to the data that the 11836
statute, rule, or court requires. 11837

(6) If the form or any data item on the form is attributed 11838
to the requirements of any research or of any process of 11839
auditing school districts for compliance with any requirement, 11840
the research is planned or currently taking place or the 11841
compliance is currently required. 11842

(7) The form is designed in a way that minimizes the cost 11843
of completing it. 11844

(8) The form includes instructions that clearly explain 11845
how to complete it, who will use the data reported on it, and 11846

whom to contact with questions about completing the form or the 11847
use of the data reported on it. 11848

Sec. 3301.134. (A) In each fiscal year the department of 11849
education and workforce, in accordance with appropriations made 11850
by the general assembly, may issue awards of equal amounts up to 11851
fifteen thousand dollars to those fifty public schools that are 11852
determined by the department to have implemented in the 11853
immediately preceding fiscal year innovative and exemplary 11854
parental involvement programs that have enhanced parental 11855
involvement in such schools according to criteria established by 11856
the department. 11857

(B) The department ~~of education~~ shall collect and retain 11858
information on the innovative and exemplary parental involvement 11859
programs of all schools that have received awards under division 11860
(A) of this section. In each fiscal year the department shall 11861
publicize to every school district a description of each of the 11862
innovative and exemplary parental involvement programs of the 11863
schools that have received awards in the immediately preceding 11864
fiscal year. 11865

(C) Any school that receives an award under division (A) 11866
of this section may expend the money on any lawful purpose. 11867

Sec. 3301.135. The department of education and workforce 11868
annually shall compile a list of organizations and companies 11869
that offer free and reduced cost epinephrine autoinjectors to 11870
qualifying school districts, other public schools, and chartered 11871
nonpublic schools. The department shall make this information 11872
readily available on their web site and send a copy of the list 11873
by mail or electronically to each school district, other public 11874
school, and chartered nonpublic school. 11875

As used in this section, "other public school" has the 11876
same meaning as in section 3301.0711 of the Revised Code. 11877

Sec. 3301.136. The department of education and workforce 11878
shall compile a list of tutoring programs that it considers to 11879
be of high quality and have the potential to accelerate learning 11880
for students in the areas of English language arts, mathematics, 11881
science, and social studies. For this purpose, the department 11882
shall request the qualifications of public and private entities 11883
that provide tutoring programs for students. The department 11884
shall establish a rubric to evaluate the programs and determine 11885
a minimum score for a tutoring program to be included on the 11886
department's list. 11887

In compiling the list, the department may designate 11888
individual tutoring programs as more appropriate for certain 11889
grade levels, populations of students, or subject areas. 11890

The department may establish multiple application periods 11891
in any school year for entities to submit their qualifications 11892
for consideration to be included on the list. However, the 11893
department shall post the initial list of tutoring programs on 11894
the department's web site not later than October 1, 2022. No 11895
school district or school shall be required to use a tutoring 11896
program on the list. 11897

Sec. 3301.137. (A) The director of education and 11898
workforce, or the director's designee, shall convene a public 11899
meeting at least once every other month. Employees of the 11900
department of education and workforce shall conduct a 11901
presentation at each meeting that addresses any new information 11902
the department has about any of its significant new or existing 11903
initiatives, policies, or guidelines; any change to state or 11904
federal law that affects the department or education 11905

stakeholders, as determined by the director, in this state; and 11906
any rule the director intends to adopt, amend, or rescind in 11907
accordance with Chapter 119. and section 3301.138 of the Revised 11908
Code. 11909

Nothing in division (A) of this section precludes the 11910
director or the department from using other methods to engage 11911
with stakeholders. 11912

(B) At the conclusion of a presentation under this 11913
section, the director, or the director's designee, shall provide 11914
an opportunity for public discussion on the information provided 11915
in the presentation. The director, or the director's designee, 11916
may accept public discussion about other topics as the director, 11917
or the director's designee, determines appropriate. 11918

(C) The department shall make available via the internet 11919
an audio recording of each public meeting under this section. 11920
The director shall make the audio recording available not later 11921
than five business days after the conclusion of a meeting. 11922

(D) Notwithstanding any provision of the Revised Code to 11923
the contrary, any nonemergency rule adopted after the effective 11924
date of this section is void unless the rule is included in a 11925
presentation conducted in a public meeting under this section 11926
prior to initiating rulemaking in accordance with Chapter 119. 11927
of the Revised Code. 11928

Sec. 3301.138. (A) As used in this section, "five-year 11929
review" means a review of a rule in accordance with sections 11930
106.03 and 119.04 of the Revised Code. 11931

(B) The department of education and workforce shall 11932
establish a stakeholder outreach process for use when engaging 11933
in rulemaking in accordance with Chapter 119. of the Revised 11934

Code. Under the process, the department shall establish a method 11935
under which stakeholders may elect to participate. The process 11936
also shall require the department to do all of the following: 11937

(1) Before initiating the process to conduct a five-year 11938
review or to adopt a new rule or amend or rescind an existing 11939
rule, do all of the following: 11940

(a) Notify stakeholders about the department's intent to 11941
initiate rulemaking. The department shall include in the notice 11942
an explanation of the department's rationale for initiating 11943
rulemaking, which shall include either of the following: 11944

(i) For a five-year review, if the department determines a 11945
rule does not need to be amended or rescinded, a statement that 11946
the rule is not being amended or rescinded; 11947

(ii) If the department is adopting a new rule or amending 11948
or rescinding an existing rule, information explaining the 11949
rationale for changing the rule including any state or federal 11950
law changes that make the new rule or rule change necessary. 11951

(b) Provide a link to a web page on the department's web 11952
site that provides an opportunity to review the current rule, if 11953
one exists, and submit public comments for a period of time 11954
established by the department. As part of the public comment 11955
system, the department shall provide individuals who submit 11956
comments with the opportunity to also submit information that 11957
might aid the department in preparing a business impact 11958
analysis, if one is required. 11959

(c) Consider each comment the department receives during 11960
the public comment period when drafting the rule. The department 11961
is not required to respond to submitted comments. 11962

(2) Prior to submitting a proposed rule to the joint 11963

committee on agency rule review, do all of the following: 11964

(a) Post the draft rule and a completed business impact analysis on the department's web site, if one is required; 11965
11966

(b) Notify stakeholders that the rule draft, and the business impact analysis, if one is required, have been posted on the department's web site. The department shall include in the notice a link to a web page on the department's web site that provides an opportunity to review the draft rule, and the business impact analysis, if one is required, and submit public comments for a period of time established by the department. 11967
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(c) Consider each comment the department receives during the public comment period. The department may revise the draft based on the submitted comments. 11974
11975
11976

(3) If the department determines further outreach is necessary, hold stakeholder meetings, send questions to stakeholders, or create stakeholder advisory groups. 11977
11978
11979

(C) A notice under division (B) of this section is not a public notice, but rather a courtesy for stakeholders. 11980
11981

(D) Nothing in this section requires the department to send out draft rules to, nor negotiate draft rule language with, stakeholders. 11982
11983
11984

Sec. 3301.14. ~~Each year the state board of education~~ The 11985
~~department of education and workforce shall require a~~ an annual 11986
~~report of the president, manager, or principal of each seminary,~~ 11987
~~academy, parochial, or private school. The report shall be made~~ 11988
~~upon forms furnished by the board~~ department ~~and shall contain a~~ 11989
~~statement of such facts as it requests. The president, manager,~~ 11990
~~or principal shall complete and return such forms within a time~~ 11991
~~fixed by the state board of education~~ department. 11992

Sec. 3301.15. ~~The state board of education~~ department of education and workforce or its authorized representatives may inspect all institutions under the control of the department of job and family services, the department of mental health and addiction services, the department of developmental disabilities, and the department of rehabilitation and correction which employ teachers, and may make a report on the teaching, discipline, and school equipment in these institutions to the director of job and family services, the director of mental health and addiction services, the director of developmental disabilities, the director of rehabilitation and correction, and the governor.

Sec. 3301.16. Pursuant to standards prescribed by the ~~state board of education~~ director of education and workforce as provided in division (D) of section 3301.07 of the Revised Code, ~~the state board~~ director shall classify and charter school districts and individual schools within each district except that no charter shall be granted to a nonpublic school unless the school complies with divisions (K) (1) and (L) of section 3301.0711, as applicable, and sections 3301.164 and 3313.612 of the Revised Code.

In the course of considering the charter of a new school district created under section 3311.26 or 3311.38 of the Revised Code, ~~the state board~~ director shall require the party proposing creation of the district to submit to the board a map, certified by the county auditor of the county in which the proposed new district is located, showing the boundaries of the proposed new district. In the case of a proposed new district located in more than one county, the map shall be certified by the county auditor of each county in which the proposed district is located.

The ~~state board~~ director shall revoke the charter of any school district or school which fails to meet the standards for elementary and high schools as prescribed by the ~~board~~ director.
The ~~state board~~ director shall also revoke the charter of any nonpublic school that does not comply with divisions (K) (1) and (L) of section 3301.0711, if applicable, and sections 3301.164 and 3313.612 of the Revised Code.

In the issuance and revocation of school district or school charters, the ~~state board~~ director shall be governed by the provisions of Chapter 119. of the Revised Code.

No school district, or individual school operated by a school district, shall operate without a charter issued ~~by the~~ ~~state board~~ under this section.

In case a school district charter is revoked pursuant to this section, the state board of education may dissolve the school district and transfer its territory to one or more adjacent districts. An equitable division of the funds, property, and indebtedness of the school district shall be made by the state board among the receiving districts. The board of education of a receiving district shall accept such territory pursuant to the order of the state board. Prior to dissolving the school district, the state board shall notify the appropriate educational service center governing board and all adjacent school district boards of education of its intention to do so. Boards so notified may make recommendations to the state board regarding the proposed dissolution and subsequent transfer of territory. Except as provided in section 3301.161 of the Revised Code, the transfer ordered by the state board shall become effective on the date specified by the state board, but the date shall be at least thirty days following the date of

issuance of the order. 12054

A high school is one of higher grade than an elementary 12055
school, in which instruction and training are given in 12056
accordance with sections 3301.07 and 3313.60 of the Revised Code 12057
and which also offers other subjects of study more advanced than 12058
those taught in the elementary schools and such other subjects 12059
as may be approved by the ~~state board of education~~ director. 12060

An elementary school is one in which instruction and 12061
training are given in accordance with sections 3301.07 and 12062
3313.60 of the Revised Code and which offers such other subjects 12063
as may be approved by the ~~state board of education~~ director. In 12064
districts wherein a junior high school is maintained, the 12065
elementary schools in that district may be considered to include 12066
only the work of the first six school years inclusive, plus the 12067
kindergarten year. 12068

Sec. 3301.162. (A) If the governing authority of a 12069
chartered nonpublic school intends to close the school, the 12070
governing authority shall notify all of the following of that 12071
intent prior to closing the school: 12072

(1) The department of education and workforce; 12073

(2) The school district that receives auxiliary services 12074
funding under division (E) of section 3317.024 of the Revised 12075
Code on behalf of the students enrolled in the school; 12076

(3) The accrediting association that most recently 12077
accredited the school for purposes of chartering the school in 12078
accordance with the rules of the ~~state board of education~~ 12079
department, if applicable; 12080

(4) If the school has been designated as a STEM school 12081
equivalent under section 3326.032 of the Revised Code, the STEM 12082

committee established under section 3326.02 of the Revised Code. 12083

The notice shall include the school year and, if possible, 12084
the actual date the school will close. 12085

(B) The chief administrator of each chartered nonpublic 12086
school that closes shall deposit the school's records with 12087
either: 12088

(1) The accrediting association that most recently 12089
accredited the school for purposes of chartering the school in 12090
accordance with the rules of the ~~state board~~ department, if 12091
applicable; 12092

(2) The school district that received auxiliary services 12093
funding under division (E) of section 3317.024 of the Revised 12094
Code on behalf of the students enrolled in the school. 12095

The school district that receives the records may charge 12096
for and receive a one-time reimbursement from auxiliary services 12097
funding under division (E) of section 3317.024 of the Revised 12098
Code for costs the district incurred to store the records. 12099

Sec. 3301.163. (A) ~~Beginning July 1, 2015, any~~ Any third- 12100
grade student who attends a chartered nonpublic school with a 12101
scholarship awarded under either the educational choice 12102
scholarship pilot program, prescribed in sections 3310.01 to 12103
3310.17, or the pilot project scholarship program prescribed in 12104
sections 3313.974 to 3313.979 of the Revised Code, shall be 12105
subject to the third-grade reading guarantee retention 12106
provisions under division (A) (2) of section 3313.608 of the 12107
Revised Code, including the exemptions prescribed by that 12108
division. For purposes of determining if a child with a 12109
disability is exempt from retention under this section, an 12110
individual services plan created for the child that has been 12111

reviewed by either the student's school district of residence or 12112
the school district in which the chartered nonpublic school is 12113
located and that specifies that the student is not subject to 12114
retention shall be considered in the same manner as an 12115
individualized education program or plan under section 504 of 12116
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 12117
as amended, as prescribed by division (A) (2) of section 3313.608 12118
of the Revised Code. 12119

As used in this section, "child with a disability" and 12120
"school district of residence" have the same meanings as in 12121
section 3323.01 of the Revised Code. 12122

(B) (1) Each chartered nonpublic school that enrolls 12123
students in any of grades kindergarten through three and that 12124
accepts students under the educational choice scholarship pilot 12125
program or the pilot project scholarship program shall adopt 12126
policies and procedures for the annual assessment of the reading 12127
skills of those students. Each school may use the diagnostic 12128
assessment to measure reading ability for the appropriate grade 12129
level prescribed in division (D) of section 3301.079 of the 12130
Revised Code. If the school uses such assessments, the 12131
department of education and workforce shall furnish them to the 12132
chartered nonpublic school. 12133

(2) For each student identified as having reading skills 12134
below grade level, the school shall do both of the following: 12135

(a) Provide to the student's parent or guardian, in 12136
writing, all of the following: 12137

(i) Notification that the student has been identified as 12138
having a substantial deficiency in reading; 12139

(ii) Notification that if the student attains a score in 12140

the range designated under division (A) (3) of section 3301.0710 12141
of the Revised Code on the assessment prescribed under that 12142
section to measure skill in English language arts expected at 12143
the end of third grade, the student shall be retained unless the 12144
student is exempt under division (A) (1) of section 3313.608 of 12145
the Revised Code. 12146

(b) Provide intensive reading instruction services, as 12147
determined appropriate by the school, to each student identified 12148
under this section. 12149

(C) Each chartered nonpublic school subject to this 12150
section annually shall report to the department the number of 12151
students identified as reading at grade level and the number of 12152
students identified as reading below grade level. 12153

Sec. 3301.18. The department of education and workforce 12154
shall: 12155

(A) Administer grants under section 3301.19 of the Revised 12156
Code in support of voluntary desegregation within school 12157
districts; 12158

(B) Provide technical assistance to school districts 12159
developing voluntary plans for desegregation or plans to reduce 12160
or eliminate racial isolation; 12161

(C) Develop desegregation plans as required by court order 12162
and provide technical assistance to school districts required to 12163
develop plans under court order; 12164

(D) Report to the general assembly annually on 12165
expenditures made by the state to reduce or eliminate racial 12166
isolation and enumerate anticipated expenses for desegregation 12167
resulting from court action or action taken by the federal 12168
government. 12169

Sec. 3301.19. The department of education and workforce 12170
shall administer a program to support school boards that 12171
voluntarily adopt and implement plans of student transfers to 12172
desegregate schools within their districts. To be eligible for 12173
such support, both of the following must apply: 12174

(A) The district must have a minority enrollment of 12175
between twenty-five and seventy-five per cent, according to the 12176
most recent racial and ethnic census of the district prepared by 12177
the department; 12178

(B) The school board must adopt and submit to the 12179
department, not later than the first day of October, a plan for 12180
reducing racial isolation through the transfer of not fewer than 12181
fifty students in the district. The plan must provide for any or 12182
all of the following: 12183

(1) The transfer of minority students from a school with 12184
greater than the average minority composition of the district to 12185
a school with less than the average minority composition of the 12186
district; 12187

(2) The transfer of majority students from a school with 12188
less than the average minority composition of the district to a 12189
school with more than the average minority composition of the 12190
district; 12191

(3) The transfer of minority or majority students to 12192
designated schools if the transfers cause the racial composition 12193
of the designated schools to more closely approximate the 12194
student racial composition of the entire district taken as a 12195
whole. 12196

The department ~~of education~~ shall pay the school district 12197
an amount equal to four hundred dollars per student transferred, 12198

except that if all payments required to be made under this 12199
section during the fiscal year exceed the appropriation for the 12200
purpose, the payment to each school district shall be 12201
proportionately reduced. The school board may spend the amount 12202
received only on activities other than transportation that 12203
support the reduction of racial isolation. In the case of a 12204
transfer from a school that is being permanently closed or that 12205
results from a permanent change in the boundary of a school 12206
attendance zone, payment shall be made only for the initial year 12207
the transfer is made. In the case of any other kind of transfer, 12208
payment shall be made for each fiscal year the transfer occurs. 12209

Sec. 3301.22. The ~~state board of education~~ department of 12210
education and workforce shall develop a model policy to prohibit 12211
harassment, intimidation, or bullying in order to assist school 12212
districts in developing their own policies under section 12213
3313.666 of the Revised Code. ~~The board shall issue the model-~~ 12214
~~policy within six months after the effective date of this-~~ 12215
~~section.~~ 12216

Sec. 3301.221. (A) As used in this section and section 12217
3313.60 of the Revised Code, "evidence-based" means a program or 12218
practice that does either of the following: 12219

(1) Demonstrates a rationale based on high-quality 12220
research findings or positive evaluation that such a program or 12221
practice is likely to improve relevant outcomes and includes 12222
ongoing efforts to examine the effects of the program or 12223
practice; 12224

(2) Has a statistically significant effect on relevant 12225
outcomes based on: 12226

(a) Strong evidence from at least one well-designed and 12227

well-implemented experimental study;	12228
(b) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or	12229 12230
(c) Promising evidence from at least one well-designed and well-implemented correlation study with statistical controls for selection bias.	12231 12232 12233
(B) The department of <u>education and workforce</u> , in consultation with the department of public safety and the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of education's <u>education and workforce's</u> web site, for instruction in suicide awareness and prevention and violence prevention as prescribed under division (A) (5) (h) of section 3313.60 and division (D) of section 3319.073 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following:	12234 12235 12236 12237 12238 12239 12240 12241 12242 12243 12244 12245
(1) How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in students;	12246 12247
(2) How to instruct students to identify the signs and symptoms of depression, suicide, and self-harm in their peers;	12248 12249
(3) How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services;	12250 12251 12252
(4) How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of self and peers and reporting of these behaviors;	12253 12254 12255 12256

(5) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others;	12257 12258
(6) The importance of taking threats seriously and seeking help;	12259 12260
(7) How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program.	12261 12262 12263
(C) The department of <u>education and workforce</u> , in consultation with the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of education's <u>education and workforce's</u> web site, for instruction in social inclusion as prescribed by division (A) (5) (j) of section 3313.60 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following:	12264 12265 12266 12267 12268 12269 12270 12271 12272 12273
(1) What social isolation is and how to identify it in others;	12274 12275
(2) What social inclusion is and the importance of establishing connections with peers;	12276 12277
(3) When and how to seek help for peers who may be socially isolated;	12278 12279
(4) How to utilize strategies for more social inclusion in classrooms and the school community.	12280 12281
Sec. 3301.23. (A) Not later than thirty days after the effective date of this section, the <u>The</u> department of <u>education and workforce</u> , in consultation with the chancellor of higher	12282 12283 12284

education, shall establish a committee to develop a state plan 12285
for computer science education for the purposes of primary and 12286
secondary education. 12287

(B) When developing the plan, the committee established 12288
under this section shall consider the following: 12289

(1) Best practices and challenges associated with the 12290
implementation of primary and secondary computer science 12291
curriculum in this state; 12292

(2) Demographic data for students who receive instruction 12293
in computer science; 12294

(3) Benchmarks to create a sustainable supply of teachers 12295
certified to provide instruction in computer science; 12296

(4) Best practices to form public and private partnerships 12297
for funding, mentoring, and internships for teachers providing 12298
instruction in computer science; 12299

(5) Requiring all students to complete a computer science 12300
course prior to high school graduation; 12301

(6) Establishing a work-based learning pilot program that 12302
includes high schools, universities, and local industry and 12303
permits the department and the chancellor to develop pathways to 12304
align computer science education in the state with the state's 12305
workforce needs; 12306

(7) Any other topic determined appropriate by the 12307
committee. 12308

(C) The committee established under this section shall 12309
consist of all of the following: 12310

(1) ~~The superintendent of public instruction~~ director of 12311

<u>education and workforce</u> , or designee;	12312
(2) The chancellor, or designee;	12313
(3) Representatives of computer science education	12314
stakeholders appointed by the state superintendent <u>director</u> , in	12315
consultation with the chancellor. Computer science education	12316
stakeholders represented on the committee shall include all of	12317
the following:	12318
(a) Career-technical education;	12319
(b) Teachers;	12320
(c) Institutions of higher education;	12321
(d) Businesses;	12322
(e) State and national computer science organizations.	12323
(D) Within the plan, the committee established under this	12324
section shall include all of the following:	12325
(1) An examination of the challenges that prevent school	12326
districts from offering computer science courses;	12327
(2) A requirement that the department of education collect	12328
any data regarding computer science courses offered by school	12329
districts and school buildings operated by school districts,	12330
including the names of the courses and whether the courses were	12331
developed using the standards and model curriculum adopted under	12332
division (A) (4) of section 3301.079 of the Revised Code, and	12333
post the collected data on its web site.	12334
(3) A requirement that the committee determine the best	12335
ways to compile data on computer science courses, teachers, and	12336
undergraduate students studying computer science in	12337
universities.	12338

(4) Any findings the committee determines appropriate 12339
based on its consideration of the topics described in division 12340
(B) of this section. 12341

(E) The committee shall complete the plan not later than 12342
~~one year after the effective date of this section~~ September 30, 12343
2022, and the department shall post the completed plan in a 12344
prominent location on its web site. 12345

Sec. 3301.27. The department of education and workforce 12346
shall conduct research on the factors that improve education 12347
effectiveness in school districts and for this purpose may 12348
require school districts to administer tests in addition to 12349
those otherwise required by law, such as the national assessment 12350
of education progress. The department shall make the results of 12351
any research conducted under this section available to all 12352
school districts. 12353

Sec. 3301.28. (A) As used in this section: 12354

(1) "Coordinating service center" means the educational 12355
service center of central Ohio or its successor organization. 12356

(2) "Public school" means a school building operated by a 12357
school district or other public school, as defined in section 12358
3301.0711 of the Revised Code, or a building operated by an 12359
educational service center. 12360

(B) The ~~superintendent of public instruction~~ department of 12361
education and workforce shall establish a program to provide 12362
tutoring and remedial education services in reading and English 12363
language arts, mathematics, science, and social studies to 12364
students at public and chartered nonpublic schools that elect to 12365
participate in the program. Tutors shall not be considered 12366
employees of the public or chartered nonpublic school in which 12367

they provide tutoring services. Rather, the tutors shall be 12368
either employed or engaged as a volunteer by the coordinating 12369
service center. The coordinating service center shall be 12370
responsible for compensating each individual it employs as a 12371
tutor using funds transferred from the school at which the 12372
individual works as a tutor. The coordinating service center may 12373
coordinate placement of tutors with the sixteen regional 12374
educational service centers, selected under division (C) (4) of 12375
this section, and other service centers as determined necessary 12376
by the coordinating service center. 12377

Individuals who wish to participate in the program as 12378
tutors shall submit an application to the coordinating service 12379
center. ~~Not later than sixty days after the effective date of~~ 12380
~~this section, the~~ The coordinating service center shall 12381
establish application procedures for individuals who wish to 12382
participate in the program as tutors. 12383

To be eligible to participate as a tutor under the 12384
program, an individual shall be either of the following: 12385

(1) A retired teacher or substitute teacher, regardless of 12386
whether the teacher holds a valid educator license, certificate, 12387
or permit issued under Chapter 3319. or section 3301.071 of the 12388
Revised Code, provided that the teacher has not had an educator 12389
license, certificate, or permit denied, suspended, or revoked by 12390
the state board of education under section 3319.31 of the 12391
Revised Code or entered into a consent agreement pursuant to 12392
division (E) of section 3319.311 of the Revised Code; 12393

(2) An individual, not described in division (A) (1) of 12394
this section, who is determined to be eligible by the 12395
coordinating service center in accordance with standards 12396
established by the ~~state superintendent~~ department. 12397

(C) ~~The state superintendent department~~, with assistance 12398
from participating educational service centers, and in 12399
consultation with public and chartered nonpublic schools, shall 12400
administer and implement the program as follows: 12401

(1) ~~Not later than sixty days after the effective date of~~ 12402
~~this section, the state superintendent~~ The department shall 12403
establish standards for determining the eligibility of tutors 12404
under division (B) (2) of this section. 12405

(2) ~~Not later than sixty days after the effective date of~~ 12406
~~this section, the~~ The coordinating service center, in 12407
consultation with the ~~state superintendent department~~, shall 12408
create a training course for tutors described in division (B) of 12409
this section who do not hold valid educator licenses, 12410
certificates, or permits issued under Chapter 3319. or section 12411
3301.071 of the Revised Code. The coordinating service center 12412
and ~~state superintendent department~~ may establish additional 12413
training requirements for tutors who provide tutoring services 12414
to students with special needs or students with an 12415
individualized education program, as that term is defined in 12416
section 3323.01 of the Revised Code. In addition, the 12417
coordinating service center and ~~state superintendent department~~ 12418
may continue to provide training to tutors after their placement 12419
in schools. 12420

(3) The department ~~of education~~ shall serve as the fiscal 12421
agent for the program. The department shall provide for 12422
administrative and implementation costs, costs of developing the 12423
training course described in division (C) (2) of this section, 12424
and provide technical assistance at the request of the 12425
coordinating service center. 12426

The department shall not compensate tutors under the 12427

program. 12428

The ~~department~~ state board shall not charge any 12429
registration fee to individuals who wish to participate in the 12430
program as tutors. 12431

(4) Educational service centers from each educational 12432
regional service system described in section 3312.02 of the 12433
Revised Code may select one educational service center to 12434
administer the training program for their region in conjunction 12435
with the coordinating service center. The educational service 12436
center selected for each region may cooperate with individual 12437
educational service centers to implement the training program. 12438

(5) Each educational service center may coordinate the 12439
placement of tutors at the participating public and chartered 12440
nonpublic schools within its service territory. 12441

(6) The coordinating service center shall require an 12442
individual employed or engaged as a volunteer as a tutor under 12443
this section to apply for and receive a registration from the 12444
department. 12445

As a condition of registration under this section, an 12446
individual shall be subject to a criminal records check as 12447
prescribed by section 3319.39 or 3319.391 of the Revised Code, 12448
as appropriate. The individual shall request the criminal 12449
records check through the coordinating service center and shall 12450
submit the criminal records check to the ~~department of education~~ 12451
state board in a manner determined by the ~~department~~ state 12452
board. The ~~department~~ state board shall use the information 12453
submitted to enroll the individual in the retained applicant 12454
fingerprint database, established under section 109.5721 of the 12455
Revised Code, in the same manner as any teacher licensed under 12456

sections 3319.22 to 3319.31 of the Revised Code. 12457

If the ~~department~~ state board receives notification of the 12458
arrest or conviction of an individual registered under division 12459
(C) (6) of this section, the ~~department~~ state board shall 12460
promptly notify the coordinating service center and may take any 12461
action authorized under sections 3319.31 and 3319.311 of the 12462
Revised Code that the department considers appropriate. The 12463
~~department~~ state board shall not accept the application of any 12464
individual under this section if the ~~department~~ state board 12465
learns that the individual has pleaded guilty to, has been found 12466
guilty by a jury or court of, or has been convicted of any of 12467
the offenses listed in division (C) of section 3319.31 of the 12468
Revised Code. 12469

The department shall reimburse the coordinating service 12470
center for both of the following: 12471

(a) Any costs incurred by the coordinating service center 12472
when assisting with the registration of tutors with the 12473
department; 12474

(b) The cost of the criminal records check required under 12475
this section. 12476

(7) Participation by public and chartered nonpublic 12477
schools is voluntary. Public and chartered nonpublic schools 12478
that wish to participate in the tutoring and remedial education 12479
program shall notify the coordinating service center of their 12480
intention to do so. 12481

Each participating school shall have the ultimate 12482
authority over how best to incorporate tutors into the school 12483
setting, but such determinations shall be made in cooperation 12484
with the educational service center. Program activities may take 12485

place before, during, or after school as well as during breaks 12486
from school such as weekends, holidays, or summer vacation. 12487
Program activities may take place on an online platform or in 12488
person, including on school premises, at community-based youth 12489
development organizations, or in another public location the 12490
school's governing body and educational service center determine 12491
to be appropriate. 12492

A participating school shall provide necessary materials, 12493
space, and equipment for tutors placed in the school. A 12494
participating school shall transfer funds to the coordinating 12495
service center to assist the service center in making payments 12496
to tutors placed in the school and paying the cost of other 12497
benefits for the tutors. ~~The state superintendent department,~~ in 12498
consultation with the chancellor of higher education, shall 12499
create a list of benefits which a participant may receive. 12500

Participating schools shall use their own funds to pay 12501
costs incurred from participating in the program. 12502

(D) Upon the completion of each of the 2022-2023, 2023- 12503
2024, and 2024-2025 school years, the department shall conduct a 12504
review of the program's effectiveness in providing tutoring and 12505
remedial education to students. Based on each of those reviews, 12506
the department shall issue a report of its findings. The report 12507
also shall include the number of participating public and 12508
chartered nonpublic schools, tutors, and students, as well as 12509
whether tutoring in a particular school was provided on an 12510
online platform or in-person. The department may request and 12511
collect data from public or chartered nonpublic schools and from 12512
educational service centers for the report. The department 12513
shall, in accordance with section 101.68 of the Revised Code, 12514
submit those reports to the general assembly, as follows: 12515

(1) The report for the 2022-2023 school year shall be submitted not later than September 30, 2023.	12516 12517
(2) The report for the 2023-2024 school year shall be submitted not later than September 30, 2024.	12518 12519
(3) The report for the 2024-2025 school year shall be submitted not later than September 30, 2025.	12520 12521
(E) Nothing in this section shall be construed as prohibiting a public or chartered nonpublic school from contracting or partnering with another entity to provide tutoring services to the school's students.	12522 12523 12524 12525
Sec. 3301.30. The department of education <u>and workforce</u> shall:	12526 12527
(A) Actively encourage, assist, and support boards of education in applying for moneys for programs for pre-school children of migrant agricultural laborers under Title I of the "Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 U.S.C.A. 236, as amended;	12528 12529 12530 12531 12532
(B) Establish an official relationship with the Texas education agency and the Florida department of education to cooperate and exchange information with those states concerning education for children of migrant agricultural <u>agricultural</u> laborers, and coordinate its activities and services for such children with those states and any other states that provide education for such children;	12533 12534 12535 12536 12537 12538 12539
(C) Take all necessary steps to compensate for the lack of continuity in instructional curriculum experienced by children of migrant agricultural laborers as a result of their parents' occupation by assuring that:	12540 12541 12542 12543

(1) Coordinated interstate and intrastate programs are 12544
provided at all levels, including coordinated programs leading 12545
to credit accrual; 12546

(2) Parents are given information about the availability 12547
of interstate and intrastate programs. 12548

(D) Take a more active role in encouraging boards of 12549
education to offer, in accordance with section 3313.641 of the 12550
Revised Code, alternative evening and tutorial programs for 12551
children of migrant agricultural laborers and their families 12552
during late spring, summer, and early fall. 12553

Sec. 3301.311. (A) As used in this section, ~~"preschool":~~ 12554

(1) "Department of education" or "department" means the 12555
former department of education as it existed prior to the 12556
effective date of this amendment for all actions required under 12557
this section prior to that date, and means the department of 12558
education and workforce for all actions required under this 12559
section on or after to that date. 12560

(2) "Preschool program" has the same meaning as in section 12561
3301.52 of the Revised Code. 12562

(B) Subject to divisions (C) and (D) of this section, - 12563
beginning in fiscal year 2006, no preschool program, and no 12564
early childhood education program or early learning program as 12565
defined by the department of education shall receive any funds 12566
from the state unless fifty per cent of the staff members 12567
employed by that program as teachers are working toward an 12568
associate degree of a type approved by the department. 12569

(C) (1) Subject to division (C) (2) of this section, - 12570
beginning in fiscal year 2010, no preschool program, and no 12571
early childhood education program or early learning program as 12572

defined by the department, existing prior to fiscal year 2007, 12573
shall receive any funds from the state unless every staff member 12574
employed by that program as a teacher has attained an associate 12575
degree of a type approved by the department. 12576

(2) Beginning in fiscal year 2011, no preschool program, 12577
and no early childhood education program or early learning 12578
program as defined by the department, existing prior to fiscal 12579
year 2007, shall receive any funds from the state unless fifty 12580
per cent of the staff members employed by the program as 12581
teachers have attained a bachelor's degree of a type approved by 12582
the department. 12583

(D) (1) Subject to division (D) (2) of this section,— 12584
beginning in fiscal year 2012, no preschool program, and no 12585
early childhood education program or early learning program as 12586
defined by the department, established during or after fiscal 12587
year 2007, shall receive any funds from the state unless every 12588
staff member employed by that program as a teacher has attained 12589
an associate degree of a type approved by the department. 12590

(2) Beginning in fiscal year 2013, no preschool program, 12591
and no early childhood education program or early learning 12592
program as defined by the department, established during or 12593
after fiscal year 2007, shall receive any funds from the state 12594
unless fifty per cent of the staff members employed by the 12595
program as teachers have attained a bachelor's degree of a type 12596
approved by the department. 12597

Sec. 3301.40. (A) As used in this section, "adult 12598
education" has the meaning as established under the "adult 12599
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 12600
amended. 12601

(B) ~~Beginning July 1, 1996, the~~ The department of 12602
education and workforce may distribute state funds to 12603
organizations that ~~quality qualify~~ for federal funds under the 12604
"Adult Education Act," 102 Stat. 302 (1988), 20 1201 to 1213d, 12605
as amended. The funds shall be used by qualifying organizations 12606
to provide adult education services. State funds distributed 12607
pursuant to this section shall be distributed in accordance with 12608
the rules adopted ~~by the state board of education pursuant to~~ 12609
under division (C) of this section. 12610

Each organization that receives funds under this section 12611
shall file program performance reports with the department. ~~The~~ 12612
~~reports shall be filed at times required by state board of~~ 12613
~~education rule and contain assessments~~ shall include the 12614
following: 12615

(1) Assessments of individual students as they enter, 12616
progress through, and exit the adult education program; ~~records~~ 12617

(2) Records regarding individual student program 12618
participation time; ~~reports~~ 12619

(3) Reports of individual student retention rates; ~~and any~~ 12620

(4) Any other information required by rule. 12621

(C) ~~The state board of education~~ department shall adopt 12622
rules for the distribution of funds under this section. The 12623
rules shall include the following: 12624

(1) Requirements for program performance reports. 12625

(2) Indicators of adult education program quality, 12626
including indicators of learner achievement, program 12627
environment, program planning, curriculum and instruction, staff 12628
development, support services, and recruitment and retention. 12629

(3) A formula for the distribution of funds under this section. The formula shall include as a factor an organization's quantifiable success in meeting the indicators of program quality established pursuant to division (C) (2) of this section.

(4) Standards and procedures for reducing or discontinuing funding to organizations that fail to meet the requirements of this section.

(5) Any other requirements or standards considered appropriate by the board.

Sec. 3301.45. (A) Not later than the thirtieth day of September of each year, the department of education and workforce shall distribute to all public high schools the information provided by the director of job and family services on the online education and career planning tool developed under section 6301.15 of the Revised Code.

(B) Annually, the department ~~of education~~ shall survey high school administrators and guidance counselors regarding their use of the online planning tool and provide the results of the survey to the director of job and family services to support future refinements and improvements to the online planning tool.

As used in this section, "public high school" means a school that serves students in any of grades nine through twelve and is operated by a school district or a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

Sec. 3301.49. Pursuant to paragraph A of Article III of the educational compact enacted in section 3301.48 of the

Revised Code, there shall be seven members to the educational 12659
commission of the states who shall serve from this state, one of 12660
such members shall be the governor; one member shall be a member 12661
of the senate appointed by the president; one member shall be a 12662
member of the house of representatives appointed by the speaker 12663
of the house of representatives; and four members shall be 12664
appointed by and serve at the pleasure of the governor. Two of 12665
the members appointed by the governor shall be professional 12666
educators associated with either public or private educational 12667
systems and may be an officer of the state, any college or 12668
university in the state or any officer or administrator of any 12669
public school district. Two of the members appointed by the 12670
governor shall be ~~laymen~~ laypersons. 12671

The state shall pay the actual expenses of members of the 12672
Ohio commission while attending to any business of the 12673
commission. The governor shall appoint a ~~chairman~~ chairperson of 12674
the Ohio members of the educational commission of the states and 12675
such membership shall meet on the call of its ~~chairman~~ 12676
chairperson or at the request of a majority of its members. In 12677
any event, the membership shall meet not less often than three 12678
times annually. The membership may consider any and all matters 12679
relating to recommendations of the educational commission of the 12680
states and the activities of the members in representing this 12681
state thereon. 12682

Pursuant to paragraph (I) of Article III of the compact 12683
the educational commission of the states shall file a copy of 12684
its bylaws and any amendment thereto with the ~~superintendent of~~ 12685
public instruction director of education and workforce. 12686

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 12687
the Revised Code: 12688

(A) "Preschool program" means either of the following:	12689
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	12690 12691 12692
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	12693 12694 12695
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	12696 12697
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	12698 12699 12700
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	12701 12702 12703
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	12704 12705 12706 12707
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	12708 12709 12710
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	12711 12712 12713 12714
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (7) of section 5104.02 of	12715 12716

the Revised Code or chartered by the ~~state board of education~~ 12717
department of education and workforce for any combination of 12718
grades one through twelve, regardless of whether it also offers 12719
kindergarten. 12720

(I) "School child program" means a child care program for 12721
only school children that is operated by a school district board 12722
of education, county board of developmental disabilities, 12723
community school, or eligible nonpublic school. 12724

(J) "School child" means a child who is enrolled in or is 12725
eligible to be enrolled in a grade of kindergarten or above but 12726
is less than fifteen years old. 12727

(K) "School child program staff member" means an employee 12728
whose primary responsibility is the care, teaching, or 12729
supervision of children in a school child program. 12730

(L) "Child care" means administering to the needs of 12731
infants, toddlers, preschool children, and school children 12732
outside of school hours by persons other than their parents or 12733
guardians, custodians, or relatives by blood, marriage, or 12734
adoption for any part of the twenty-four-hour day in a place or 12735
residence other than a child's own home. 12736

(M) "Child day-care center" and "publicly funded child 12737
care" have the same meanings as in section 5104.01 of the 12738
Revised Code. 12739

(N) "Community school" means either of the following: 12740

(1) A community school established under Chapter 3314. of 12741
the Revised Code that is sponsored by an entity that is rated 12742
"exemplary" under section 3314.016 of the Revised Code. 12743

(2) A community school established under Chapter 3314. of 12744

the Revised Code that has received, on its most recent report card, either of the following: 12745
12746

(a) If the school offers any of grade levels four through twelve, either of the following: 12747
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(i) A grade of "C" or better for the overall value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code and for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code; 12749
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(ii) A performance rating of three stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section. 12753
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(b) If the school does not offer a grade level higher than three, either of the following: 12757
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(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code; 12759
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(ii) A performance rating of three stars or higher for early literacy under division (D) (3) (e) of that section. 12762
12763

Sec. 3301.521. Sections 3301.53 to 3301.59 of the Revised Code do not apply to child care provided exclusively for participants of an adult education program that receives funds under the department of ~~education's~~ education and workforce's state plan for implementing the "Adult Education Act of 1966," 80 Stat. 1216, 20 U.S.C. 1201, as amended, or an adult education program operated under section 3313.52, 3313.531, 3313.641, or 3313.644 of the Revised Code, if the child care is provided on a part-time basis, is provided on the same premises as and during the hours of operation of the adult education program, and at 12764
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least one parent, custodian, or guardian of each child is on the premises and readily accessible at all times.

Sec. 3301.53. (A) ~~The state board of education~~ director of education and workforce, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided ~~in-service~~ in-service education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool

program prior to establishing the program; 12803

(5) Requirements that children participating in preschool 12804
programs have been immunized to the extent considered 12805
appropriate by the ~~state board~~ director of education and 12806
workforce to prevent the spread of communicable disease; 12807

(6) Requirements that the parents of preschool children 12808
complete the emergency medical authorization form specified in 12809
section 3313.712 of the Revised Code. 12810

(B) ~~The state board of education~~ director of education and 12811
workforce, in consultation with the director of job and family 12812
services, shall ensure that the rules adopted ~~by the state board~~ 12813
under sections 3301.52 to 3301.58 of the Revised Code are 12814
consistent with and meet or exceed the requirements of Chapter 12815
5104. of the Revised Code with regard to child day-care centers 12816
that serve preschool children. ~~The state board and the director~~ 12817
~~of job and family services~~ directors shall review all such rules 12818
at least once every five years. 12819

(C) ~~The state board of education~~ director of education and 12820
workforce, in consultation with the director of job and family 12821
services, shall adopt rules for school child programs that are 12822
consistent with and meet or exceed the requirements of the rules 12823
adopted for child day-care centers that serve school-age 12824
children under Chapter 5104. of the Revised Code. 12825

Sec. 3301.54. (A) (1) Each preschool program shall be 12826
directed and supervised by a director, a head teacher, an 12827
elementary principal, or a site administrator who is on site and 12828
responsible for supervision of the program. Except as otherwise 12829
provided in division (A) (2) or (3) of this section, this person 12830
shall hold a valid educator license designated as appropriate 12831

for teaching or being an administrator in a preschool setting 12832
issued pursuant to section 3319.22 of the Revised Code and have 12833
completed at least four courses in child development or early 12834
childhood education from an accredited college, university, or 12835
technical college. 12836

(2) If the person was employed prior to July 1, 1988, by a 12837
school district board of education or an eligible nonpublic 12838
school to direct a preschool program, the person shall be 12839
considered to meet the requirements of this section if the 12840
person holds a valid kindergarten-primary certificate described 12841
under former division (A) of section 3319.22 of the Revised Code 12842
as it existed on January 1, 1996. 12843

(3) If the person is employed to direct a preschool 12844
program operated by an eligible, nontax-supported, nonpublic 12845
school, the person shall be considered to meet the requirements 12846
of this section if the person holds a valid teaching certificate 12847
issued in accordance with section 3301.071 of the Revised Code. 12848

(B) Each preschool staff member shall be at least eighteen 12849
years of age and have a high school diploma or a certificate of 12850
high school equivalence issued by the department of education_ 12851
and workforce or a primary-secondary education or higher 12852
education agency of another state, except that a staff member 12853
may be less than eighteen years of age if the staff member is a 12854
graduate of a two-year vocational child-care training program 12855
approved by the ~~state board of education department~~, or is a 12856
student enrolled in the second year of such a program that leads 12857
to high school graduation, provided that the student performs 12858
duties in the preschool program under the continuous supervision 12859
of an experienced preschool staff member and receives periodic 12860
supervision from the vocational child-care training program 12861

teacher-coordinator in the student's high school. 12862

A preschool staff member shall annually complete fifteen 12863
hours of ~~in-service~~ in-service training in child development or 12864
early childhood education, child abuse recognition and 12865
prevention, and first aid, and in the prevention, recognition, 12866
and management of communicable diseases, until a total of forty- 12867
five hours has been completed, unless the staff member holds an 12868
associate or higher degree in child development or early 12869
childhood education from an accredited college, university, or 12870
technical college, or any type of educator license designated as 12871
appropriate for teaching in an associate teaching position in a 12872
preschool setting issued by the state board of education 12873
pursuant to section 3319.22 of the Revised Code. 12874

Sec. 3301.541. (A) (1) The director, head teacher, 12875
elementary principal, or site administrator of a preschool 12876
program shall request the superintendent of the bureau of 12877
criminal identification and investigation to conduct a criminal 12878
records check with respect to any applicant who has applied to 12879
the preschool program for employment as a person responsible for 12880
the care, custody, or control of a child. If the applicant does 12881
not present proof that the applicant has been a resident of this 12882
state for the five-year period immediately prior to the date 12883
upon which the criminal records check is requested or does not 12884
provide evidence that within that five-year period the 12885
superintendent has requested information about the applicant 12886
from the federal bureau of investigation in a criminal records 12887
check, the director, head teacher, or elementary principal shall 12888
request that the superintendent obtain information from the 12889
federal bureau of investigation as a part of the criminal 12890
records check for the applicant. If the applicant presents proof 12891
that the applicant has been a resident of this state for that 12892

five-year period, the director, head teacher, or elementary principal may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) Any director, head teacher, elementary principal, or site administrator required by division (A) (1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A) (1) of this section.

(3) Any applicant who receives pursuant to division (A) (2) of this section a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C) (2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the preschool program shall not employ that applicant for any position for which a criminal records check is required by division (A) (1) of this section.

(B) (1) Except as provided in rules adopted by the department of education and workforce in accordance with division (E) of this section, no preschool program shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B) (1) (a) of this section.

(2) A preschool program may employ an applicant conditionally until the criminal records check required by this section is completed and the preschool program receives the results of the criminal records check. If the results of the

criminal records check indicate that, pursuant to division (B) 12954
(1) of this section, the applicant does not qualify for 12955
employment, the preschool program shall release the applicant 12956
from employment. 12957

(C) (1) Each preschool program shall pay to the bureau of 12958
criminal identification and investigation the fee prescribed 12959
pursuant to division (C) (3) of section 109.572 of the Revised 12960
Code for each criminal records check conducted in accordance 12961
with that section upon the request pursuant to division (A) (1) 12962
of this section of the director, head teacher, elementary 12963
principal, or site administrator of the preschool program. 12964

(2) A preschool program may charge an applicant a fee for 12965
the costs it incurs in obtaining a criminal records check under 12966
this section. A fee charged under this division shall not exceed 12967
the amount of fees the preschool program pays under division (C) 12968
(1) of this section. If a fee is charged under this division, 12969
the preschool program shall notify the applicant at the time of 12970
the applicant's initial application for employment of the amount 12971
of the fee and that, unless the fee is paid, the applicant will 12972
not be considered for employment. 12973

(D) The report of any criminal records check conducted by 12974
the bureau of criminal identification and investigation in 12975
accordance with section 109.572 of the Revised Code and pursuant 12976
to a request under division (A) (1) of this section is not a 12977
public record for the purposes of section 149.43 of the Revised 12978
Code and shall not be made available to any person other than 12979
the applicant who is the subject of the criminal records check 12980
or the applicant's representative, the preschool program 12981
requesting the criminal records check or its representative, and 12982
any court, hearing officer, or other necessary individual in a 12983

case dealing with the denial of employment to the applicant. 12984

(E) The department of education and workforce shall adopt 12985
rules pursuant to Chapter 119. of the Revised Code to implement 12986
this section, including rules specifying circumstances under 12987
which a preschool program may hire a person who has been 12988
convicted of an offense listed in division (B)(1) of this 12989
section but who meets standards in regard to rehabilitation set 12990
by the department. 12991

(F) Any person required by division (A)(1) of this section 12992
to request a criminal records check shall inform each person, at 12993
the time of the person's initial application for employment, 12994
that the person is required to provide a set of impressions of 12995
the person's fingerprints and that a criminal records check is 12996
required to be conducted and satisfactorily completed in 12997
accordance with section 109.572 of the Revised Code if the 12998
person comes under final consideration for appointment or 12999
employment as a precondition to employment for that position. 13000

(G) As used in this section: 13001

(1) "Applicant" means a person who is under final 13002
consideration for appointment or employment in a position with a 13003
preschool program as a person responsible for the care, custody, 13004
or control of a child, except that "applicant" does not include 13005
a person already employed by a board of education, community 13006
school, or chartered nonpublic school in a position of care, 13007
custody, or control of a child who is under consideration for a 13008
different position with such board or school. 13009

(2) "Criminal records check" has the same meaning as in 13010
section 109.572 of the Revised Code. 13011

(3) "Minor drug possession offense" has the same meaning 13012

as in section 2925.01 of the Revised Code. 13013

(H) If the board of education of a local school district 13014
adopts a resolution requesting the assistance of the educational 13015
service center in which the local district has territory in 13016
conducting criminal records checks of substitute teachers under 13017
this section, the appointing or hiring officer of such 13018
educational service center governing board shall serve for 13019
purposes of this section as the appointing or hiring officer of 13020
the local board in the case of hiring substitute teachers for 13021
employment in the local district. 13022

Sec. 3301.55. (A) A school district, county board of 13023
developmental disabilities, community school, or eligible 13024
nonpublic school operating a preschool program shall house the 13025
program in buildings that meet the following requirements: 13026

(1) The building is operated by the district, county board 13027
of developmental disabilities, community school, or eligible 13028
nonpublic school and has been approved by the division of 13029
industrial compliance in the department of commerce or a 13030
certified municipal, township, or county building department for 13031
the purpose of operating a program for preschool children. Any 13032
such structure shall be constructed, equipped, repaired, 13033
altered, and maintained in accordance with applicable provisions 13034
of Chapters 3781. and 3791. and with rules adopted by the board 13035
of building standards under Chapter 3781. of the Revised Code 13036
for the safety and sanitation of structures erected for this 13037
purpose. 13038

(2) The building is in compliance with fire and safety 13039
laws and regulations as evidenced by reports of annual school 13040
fire and safety inspections as conducted by appropriate local 13041
authorities. 13042

(3) The school is in compliance with rules established by 13043
~~the state board~~ department of education and workforce regarding 13044
school food services. 13045

(4) The facility includes not less than thirty-five square 13046
feet of indoor space for each child in the program. Safe play 13047
space, including both indoor and outdoor play space, totaling 13048
not less than sixty square feet for each child using the space 13049
at any one time, shall be regularly available and scheduled for 13050
use. 13051

(5) First aid facilities and space for temporary placement 13052
or isolation of injured or ill children are provided. 13053

(B) Each school district, county board of developmental 13054
disabilities, community school, or eligible nonpublic school 13055
that operates, or proposes to operate, a preschool program shall 13056
submit to the department a building plan including all 13057
information specified by ~~the state board of education to the~~ 13058
~~board~~ department not later than the first day of September of 13059
the school year in which the program is to be initiated. The- 13060
~~board~~ department shall determine whether the buildings meet the 13061
requirements of this section and section 3301.53 of the Revised 13062
Code, ~~and notify the superintendent of its determination~~. If the 13063
~~board~~ department determines, on the basis of the building plan 13064
or any other information, that the buildings do not meet those 13065
requirements, it shall ~~cause inspect~~ the buildings ~~to be~~ 13066
~~inspected by the department of education~~. The department shall 13067
~~make submit~~ a report to the ~~superintendent~~ director of education 13068
and workforce specifying any aspects of the building that are 13069
not in compliance with the requirements of this section and 13070
section 3301.53 of the Revised Code and the time period that 13071
will be allowed the district, county board of developmental 13072

disabilities, or school to meet the requirements.	13073
Sec. 3301.56. (A) The director, head teacher, elementary	13074
principal, or site administrator who is on site and responsible	13075
for supervision of each preschool program shall be responsible	13076
for the following:	13077
(1) Ensuring that the health and safety of the children	13078
are safeguarded by an organized program of school health	13079
services designed to identify child health problems and to	13080
coordinate school and community health resources for children,	13081
as evidenced by but not limited to:	13082
(a) Requiring immunization and compliance with emergency	13083
medical authorization requirements in accordance with rules	13084
adopted by the state board <u>department of education and workforce</u>	13085
under section 3301.53 of the Revised Code;	13086
(b) Providing procedures for emergency situations,	13087
including fire drills, rapid dismissals, tornado drills, and	13088
school safety drills in accordance with section 3737.73 of the	13089
Revised Code, and keeping records of such drills or dismissals;	13090
(c) Posting emergency procedures in preschool rooms and	13091
making them available to school personnel, children, and	13092
parents;	13093
(d) Posting emergency numbers by each telephone;	13094
(e) Supervising grounds, play areas, and other facilities	13095
when scheduled for use by children;	13096
(f) Providing first-aid facilities and materials.	13097
(2) Maintaining cumulative records for each child;	13098
(3) Supervising each child's admission, placement, and	13099

withdrawal according to established procedures;	13100
(4) Preparing at least once annually for each group of	13101
children in the program a roster of names and telephone numbers	13102
of parents, guardians, and custodians of children in the group	13103
and, on request, furnishing the roster for each group to the	13104
parents, guardians, and custodians of children in that group.	13105
The director may prepare a similar roster of all children in the	13106
program and, on request, make it available to the parents,	13107
guardians, and custodians, of children in the program. The	13108
director shall not include in either roster the name or	13109
telephone number of any parent, guardian, or custodian who	13110
requests that the parent's, guardian's, or custodian's name or	13111
number not be included, and shall not furnish any roster to any	13112
person other than a parent, guardian, or custodian of a child in	13113
the program.	13114
(5) Ensuring that clerical and custodial services are	13115
provided for the program;	13116
(6) Supervising the instructional program and the daily	13117
operation of the program;	13118
(7) Supervising and evaluating preschool staff members	13119
according to a planned sequence of observations and evaluation	13120
conferences, and supervising nonteaching employees.	13121
(B) (1) In each program the maximum number of children per	13122
preschool staff member and the maximum group size by age	13123
category of children shall be as follows:	13124
	13125

A	Age Group	Maximum Group Size	Staff Member/ Child Ratio
B	Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room
C	12 months to less than 18 months	12	1:6
D	18 months to less than 30 months	14	1:7
E	30 months to less than 3 years	16	1:8
F	3-year-olds	24	1:12
G	4- and 5-year-olds not in school	28	1:14

(2) When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives child care in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B) (1) of this section shall apply.

(3) In a room where children are napping, if all the children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four hour day, be twice the maximum number of children per preschool staff member established under division (B) (1) of this section if all the

following criteria are met: 13141

(a) At least one preschool staff member is present in the 13142
room; 13143

(b) Sufficient preschool staff members are present on the 13144
preschool program premises to comply with division (B)(1) of 13145
this section; 13146

(c) Naptime preparations have been completed and the 13147
children are resting or napping. 13148

(4) Any accredited program that uses the Montessori method 13149
endorsed by the American Montessori society or the association 13150
Montessori internationale as its primary method of instruction 13151
and is licensed as a preschool program under section 3301.58 of 13152
the Revised Code may combine preschool children of ages three to 13153
five years old with children enrolled in kindergarten. 13154
Notwithstanding anything to the contrary in division (B)(2) of 13155
this section, when such age groups are combined, the maximum 13156
number of children per preschool staff member shall be twelve 13157
and the maximum group size shall be twenty-four children. 13158

(C) In each building in which a preschool program is 13159
operated there shall be on the premises, and readily available 13160
at all times, at least one employee who has completed a course 13161
in first aid and in the prevention, recognition, and management 13162
of communicable diseases which is approved by the state 13163
department of health, and an employee who has completed a course 13164
in child abuse recognition and prevention. 13165

(D) Any parent, guardian, or custodian of a child enrolled 13166
in a preschool program shall be permitted unlimited access to 13167
the school during its hours of operation to contact the 13168
parent's, guardian's, or custodian's child, evaluate the care 13169

provided by the program, or evaluate the premises, or for other 13170
purposes approved by the director. Upon entering the premises, 13171
the parent, guardian, or custodian shall report to the school 13172
office. 13173

Sec. 3301.57. (A) For the purpose of improving programs, 13174
facilities, and implementation of the standards promulgated ~~by~~ 13175
~~the state board of education~~ under section 3301.53 of the 13176
Revised Code, the ~~state~~ department of education and workforce 13177
shall provide consultation and technical assistance to school 13178
districts, county boards of developmental disabilities, 13179
community schools, and eligible nonpublic schools operating 13180
preschool programs or school child programs, and ~~inservice~~ in- 13181
service training to preschool staff members, school child 13182
program staff members, and nonteaching employees. 13183

(B) The department and the school district board of 13184
education, county board of developmental disabilities, community 13185
school, or eligible nonpublic school shall jointly monitor each 13186
preschool program and each school child program. 13187

If the program receives any grant or other funding from 13188
the state or federal government, the department annually shall 13189
monitor all reports on attendance, financial support, and 13190
expenditures according to provisions for use of the funds. 13191

(C) The department ~~of education~~, at least once during 13192
every twelve-month period of operation of a preschool program or 13193
a licensed school child program, shall inspect the program and 13194
provide a written inspection report to the superintendent of the 13195
school district, county board of developmental disabilities, 13196
community school, or eligible nonpublic school. The department 13197
may inspect any program more than once, as considered necessary 13198
by the department, during any twelve-month period of operation. 13199

All inspections may be unannounced. No person shall interfere 13200
with any inspection conducted pursuant to this division or to 13201
the rules adopted pursuant to sections 3301.52 to 3301.59 of the 13202
Revised Code. 13203

Upon receipt of any complaint that a preschool program or 13204
a licensed school child program is out of compliance with the 13205
requirements in sections 3301.52 to 3301.59 of the Revised Code 13206
or the rules adopted under those sections, the department shall 13207
investigate and may inspect the program. 13208

(D) If a preschool program or a licensed school child 13209
program is determined to be out of compliance with the 13210
requirements of sections 3301.52 to 3301.59 of the Revised Code 13211
or the rules adopted under those sections, the department ~~of~~ 13212
~~education~~ shall notify the appropriate superintendent, county 13213
board of developmental disabilities, community school, or 13214
eligible nonpublic school in writing regarding the nature of the 13215
violation, what must be done to correct the violation, and by 13216
what date the correction must be made. If the correction is not 13217
made by the date established by the department, it may commence 13218
action under Chapter 119. of the Revised Code to close the 13219
program or to revoke the license of the program. If a program 13220
does not comply with an order to cease operation issued in 13221
accordance with Chapter 119. of the Revised Code, the department 13222
shall notify the attorney general, the prosecuting attorney of 13223
the county in which the program is located, or the city 13224
attorney, village solicitor, or other chief legal officer of the 13225
municipal corporation in which the program is located that the 13226
program is operating in violation of sections 3301.52 to 3301.59 13227
of the Revised Code or the rules adopted under those sections 13228
and in violation of an order to cease operation issued in 13229
accordance with Chapter 119. of the Revised Code. Upon receipt 13230

of the notification, the attorney general, prosecuting attorney, 13231
city attorney, village solicitor, or other chief legal officer 13232
shall file a complaint in the court of common pleas of the 13233
county in which the program is located requesting the court to 13234
issue an order enjoining the program from operating. The court 13235
shall grant the requested injunctive relief upon a showing that 13236
the program named in the complaint is operating in violation of 13237
sections 3301.52 to 3301.59 of the Revised Code or the rules 13238
adopted under those sections and in violation of an order to 13239
cease operation issued in accordance with Chapter 119. of the 13240
Revised Code. 13241

(E) The department ~~of education~~ shall prepare an annual 13242
report on inspections conducted under this section. The report 13243
shall include the number of inspections conducted, the number 13244
and types of violations found, and the steps taken to address 13245
the violations. The department shall file the report with the 13246
governor, the president and minority leader of the senate, and 13247
the speaker and minority leader of the house of representatives 13248
on or before the first day of January of each year, ~~beginning in~~ 13249
~~1999~~. 13250

Sec. 3301.58. (A) The department of education and 13251
workforce is responsible for the licensing of preschool programs 13252
and school child programs and for the enforcement of sections 13253
3301.52 to 3301.59 of the Revised Code and of any rules adopted 13254
under those sections. No school district board of education, 13255
county board of developmental disabilities, community school, or 13256
eligible nonpublic school shall operate, establish, manage, 13257
conduct, or maintain a preschool program without a license 13258
issued under this section. A school district board of education, 13259
county board of developmental disabilities, community school, or 13260
eligible nonpublic school may obtain a license under this 13261

section for a school child program. The school district board of 13262
education, county board of developmental disabilities, community 13263
school, or eligible nonpublic school shall post the license for 13264
each preschool program and licensed school child program it 13265
operates, establishes, manages, conducts, or maintains in a 13266
conspicuous place in the preschool program or licensed school 13267
child program that is accessible to parents, custodians, or 13268
guardians and employees and staff members of the program at all 13269
times when the program is in operation. 13270

(B) Any school district board of education, county board 13271
of developmental disabilities, community school, or eligible 13272
nonpublic school that desires to operate, establish, manage, 13273
conduct, or maintain a preschool program shall apply to the 13274
~~department of education~~ for a license on a form that the 13275
department shall prescribe by rule. Any school district board of 13276
education, county board of developmental disabilities, community 13277
school, or eligible nonpublic school that desires to obtain a 13278
license for a school child program shall apply to the department 13279
for a license on a form that the department shall prescribe by 13280
rule. The department shall provide at no charge to each 13281
applicant for a license under this section a copy of the 13282
requirements under sections 3301.52 to 3301.59 of the Revised 13283
Code and any rules adopted under those sections. The department 13284
may establish application fees by rule adopted under Chapter 13285
119. of the Revised Code, and all applicants for a license shall 13286
pay any fee established by the department at the time of making 13287
an application for a license. All fees collected pursuant to 13288
this section shall be paid into the state treasury to the credit 13289
of the general revenue fund. 13290

(C) Upon the filing of an application for a license, the 13291
~~department of education~~ shall investigate and inspect the 13292

preschool program or school child program to determine the 13293
license capacity for each age category of children of the 13294
program and to determine whether the program complies with 13295
sections 3301.52 to 3301.59 of the Revised Code and any rules 13296
adopted under those sections. When, after investigation and 13297
inspection, the department-of-education is satisfied that 13298
sections 3301.52 to 3301.59 of the Revised Code and any rules 13299
adopted under those sections are complied with by the applicant, 13300
the department-of-education shall issue the program a 13301
provisional license as soon as practicable in the form and 13302
manner prescribed by the rules of the department. The 13303
provisional license shall be valid for one year from the date of 13304
issuance unless revoked. 13305

(D) The department-of-education shall investigate and 13306
inspect a preschool program or school child program that has 13307
been issued a provisional license at least once during operation 13308
under the provisional license. If, after the investigation and 13309
inspection, the department-of-education determines that the 13310
requirements of sections 3301.52 to 3301.59 of the Revised Code 13311
and any rules adopted under those sections are met by the 13312
provisional licensee, the department-of-education shall issue 13313
the program a license. The license shall remain valid unless 13314
revoked or the program ceases operations. 13315

(E) The department-of-education annually shall investigate 13316
and inspect each preschool program or school child program 13317
licensed under division (D) of this section to determine if the 13318
requirements of sections 3301.52 to 3301.59 of the Revised Code 13319
and any rules adopted under those sections are met by the 13320
program, and shall notify the program of the results. 13321

(F) The license or provisional license shall state the 13322

name of the school district board of education, county board of 13323
developmental disabilities, community school, or eligible 13324
nonpublic school that operates the preschool program or school 13325
child program and the license capacity of the program. 13326

(G) The department ~~of education~~ may revoke the license of 13327
any preschool program or school child program that is not in 13328
compliance with the requirements of sections 3301.52 to 3301.59 13329
of the Revised Code and any rules adopted under those sections. 13330

(H) If the department ~~of education~~ revokes a license, the 13331
department shall not issue a license to the program within two 13332
years from the date of the revocation. All actions of the 13333
department with respect to licensing preschool programs and 13334
school child programs shall be in accordance with Chapter 119. 13335
of the Revised Code. 13336

Sec. 3301.59. ~~(A)~~ No school child program may receive any 13337
state or federal funds specifically allocated for school child 13338
programs unless the school child program is licensed by the 13339
department of education and workforce pursuant to sections 13340
3301.52 to 3301.59 of the Revised Code or by the department of 13341
job and family services pursuant to Chapter 5104. of the Revised 13342
Code. 13343

~~(B) If an eligible nonpublic school is operating,~~ 13344
~~managing, conducting, or maintaining a preschool program or~~ 13345
~~school child program on July 22, 1991, and if the eligible~~ 13346
~~nonpublic school previously obtained a license for the program~~ 13347
~~from the department of job and family services pursuant to~~ 13348
~~Chapter 5104. of the Revised Code, the eligible nonpublic school~~ 13349
~~shall do one of the following:~~ 13350

~~(1) On or before the expiration date of the license, apply~~ 13351

~~pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;~~ 13352
13353

~~(2) On or before the expiration date of the license, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 13354
13355
13356

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 13357
13358

~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 13359
13360
13361
13362
13363

~~(C) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously has not obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~ 13364
13365
13366
13367
13368
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13370

~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a license for the program;~~ 13371
13372
13373

~~(2) On July 22, 1991, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 13374
13375
13376

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 13377
13378

~~(4) If the program is a school child program, not accept~~ 13379

~~any state or federal funds specifically allocated for school- 13380
child programs and not accept any state or federal funds for 13381
publicly funded child care pursuant to Chapter 5104. of the 13382
Revised Code. 13383~~

~~(D) (1) If an eligible nonpublic school that operates, 13384
manages, conducts, or maintains a preschool program or a school- 13385
child program elects pursuant to division (B) (1) of this section- 13386
to renew a license for the program that was issued by the 13387
department of job and family services or elects pursuant to 13388
division (C) (1) of this section to apply to the department of 13389
job and family services for a license for the program, that 13390
preschool program or school child program is subject to Chapter- 13391
5104. of the Revised Code and to licensure under that chapter- 13392
until the eligible nonpublic school ceases to operate, manage, 13393
conduct, or maintain the program. 13394~~

~~(2) If an eligible nonpublic school that operates, 13395
manages, conducts, or maintains a preschool program or a school- 13396
child program elects pursuant to division (B) (2) or (C) (2) of- 13397
this section to apply to the department of education for a 13398
license for the program, that preschool program or school child- 13399
program is subject to sections 3301.52 to 3301.59 of the Revised- 13400
Code and to licensure under those sections until the eligible- 13401
nonpublic school ceases to operate, manage, conduct, or maintain 13402
the program. 13403~~

~~(E) Not later than July 22, 1992, the departments of job- 13404
and family services and education shall each prepare a list of- 13405
the preschool programs and school child programs that are 13406
licensed by the respective departments. 13407~~

Sec. 3301.61. (A) The state council on educational 13408
opportunity for military children is hereby established within 13409

the department of education and workforce. The council shall 13410
consist of the following members: 13411

(1) The ~~superintendent of public instruction~~ director of 13412
education and workforce or the ~~superintendent's~~ director's 13413
designee; 13414

(2) The director of veterans services or the director's 13415
designee; 13416

(3) The superintendent of a school district that has a 13417
high concentration of children of military families, appointed 13418
by the governor; 13419

(4) A representative of a military installation located in 13420
this state, appointed by the governor; 13421

(5) A representative of the governor's office, appointed 13422
by the governor; 13423

(6) Four members of the general assembly, appointed as 13424
follows: 13425

(a) One member of the house of representatives appointed 13426
by the speaker of the house of representatives; 13427

(b) One member of the house of representatives appointed 13428
by the minority leader of the house of representatives; 13429

(c) One member of the senate appointed by the president of 13430
the senate; 13431

(d) One member of the senate appointed by the minority 13432
leader of the senate. 13433

(7) The compact commissioner appointed under section 13434
3301.62 of the Revised Code; 13435

(8) The military family education liaison appointed under 13436

section 3301.63 of the Revised Code; 13437

(9) Other members appointed in the manner prescribed by 13438
and seated at the discretion of the voting members of the 13439
council. 13440

The members of the council shall serve at the pleasure of 13441
their appointing authorities. Vacancies shall be filled in the 13442
manner of the initial appointments. 13443

The members appointed under divisions (A) (6) to (9) of 13444
this section shall be nonvoting members of the council. 13445

The members of the council shall serve without 13446
compensation. 13447

(B) The council shall oversee and provide coordination for 13448
the state's participation in and compliance with the interstate 13449
compact on educational opportunity for military children, as 13450
ratified by section 3301.60 of the Revised Code. 13451

(C) The department of education and workforce shall 13452
provide staff support for the council. 13453

(D) Sections 101.82 to 101.87 of the Revised Code do not 13454
apply to the council. 13455

(E) As used in this section, "children of military 13456
families" and "military installation" have the same meanings as 13457
in Article II of the interstate compact on educational 13458
opportunity for military children. 13459

Sec. 3301.62. The governor shall appoint a compact 13460
commissioner who shall be responsible for administering the 13461
state's participation in the interstate compact on educational 13462
opportunity for military children, as ratified by section 13463
3301.60 of the Revised Code. The compact commissioner shall be a 13464

state officer within the department of education and workforce 13465
and shall serve at the pleasure of the governor. 13466

Sec. 3301.63. The state council on educational opportunity 13467
for military children, established under section 3301.61 of the 13468
Revised Code, shall appoint a military family education liaison 13469
to assist families and the state in implementing the interstate 13470
compact on educational opportunity for military children, as 13471
ratified by section 3301.60 of the Revised Code. The department 13472
of education and workforce shall provide staff support for the 13473
military family education liaison. 13474

Sec. 3301.64. The annual assessment charged to the state 13475
for participating in the interstate compact on educational 13476
opportunity for military children shall be divided equally 13477
between the department of education and workforce and the 13478
department of veterans services. 13479

Sec. 3301.68. (A) The department of education and 13480
workforce shall establish a consolidated school mandate report 13481
for school districts. The report shall be distributed and 13482
monitored by the department. Each district or school shall 13483
complete and file the report not later than the thirtieth day of 13484
November each year. The report shall require each district or 13485
school to denote "yes" to indicate compliance or "no" to 13486
indicate noncompliance with the items prescribed under division 13487
(B) of this section, and to provide any other information that 13488
the department requests regarding those items. If a district or 13489
school denotes "no" on any item, it shall provide, within thirty 13490
days, to its board of education a written explanation for why 13491
that item was not completed and a written plan of action for 13492
accurately and efficiently addressing the problem. 13493

(B) The report shall contain the following items: 13494

(1) Training on the use of physical restraint or seclusion on students pursuant to section 3319.46 of the Revised Code;	13495 13496
(2) Training on harassment, intimidation, or bullying pursuant to sections 3313.666, 3313.667, and 3319.073 of the Revised Code;	13497 13498 13499
(3) Training on the use of cardiopulmonary resuscitation and an automated external defibrillator under sections 3313.60, 3313.6023, 3313.717, and 3314.16 of the Revised Code;	13500 13501 13502
(4) The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code;	13503 13504 13505
(5) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders pursuant to section 3313.673 of the Revised Code;	13506 13507 13508 13509
(6) Compliance with intradistrict and interdistrict open enrollment provisions in sections 3313.97 and 3313.98 of the Revised Code.	13510 13511 13512
(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section.	13513 13514 13515 13516
Sec. 3301.70. (A) The state board <u>department</u> of education <u>and workforce</u> is the designated state agency responsible for the coordination and administration of sections 110 to 118 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 12401 to 12431, as amended. With the assistance of the Ohio commission on service and volunteerism created in section 121.40 of the Revised Code, the state board	13517 13518 13519 13520 13521 13522 13523

department shall coordinate with other state agencies to apply 13524
for funding under the act when appropriate. 13525

(B) With the assistance of the Ohio commission on service 13526
and volunteerism, the ~~state board of education~~ department shall 13527
develop a plan to assist school districts in the implementation 13528
of section 3313.605 of the Revised Code and other community 13529
service activities of school districts. The ~~state board~~ 13530
department shall encourage the development of school district 13531
programs meeting the requirements for funding under the National 13532
and Community Service Act of 1990. The plan shall include the 13533
investigation of funding from all available sources for school 13534
community service education programs, including funds available 13535
under the National and Community Service Act of 1990, and the 13536
provision of technical assistance to school districts for the 13537
implementation of community service education programs. The plan 13538
shall also provide for technical assistance to be given to 13539
school boards to assist in obtaining funds for community service 13540
education programs from any source. 13541

(C) With the assistance of the Ohio commission on service 13542
and volunteerism, the ~~state board of education~~ department shall 13543
do all of the following: 13544

(1) Disseminate information about school district 13545
community service education programs to other school districts 13546
and to statewide organizations involved with or promoting 13547
volunteerism; 13548

(2) Recruit additional school districts to develop 13549
community service education programs; 13550

(3) Identify or develop model community service programs, 13551
teacher training courses, and community service curricula and 13552

teaching materials for possible use by school districts in their 13553
programs. 13554

Sec. 3301.80. (A) The department of education and 13555
workforce shall award a certificate of high school equivalence 13556
to each person who achieves the equivalent of a high school 13557
education, as measured by scores obtained on a high school 13558
equivalency test approved by the department pursuant to division 13559
(B) of this section. Each certificate awarded under this section 13560
shall be signed by the ~~superintendent of public instruction and~~ 13561
~~the president of the state board~~ director of education and 13562
workforce. 13563

Notwithstanding anything to the contrary in the Revised 13564
Code, a person who seeks to obtain a certificate of high school 13565
equivalence shall be subject to the requirements of section 13566
3301.81 of the Revised Code. 13567

(B) The department shall approve at least two nationally 13568
recognized high school equivalency tests for the purpose of 13569
awarding certificates of high school equivalence under this 13570
section. For each test approved pursuant to division (B) of this 13571
section, the department shall ensure that the scores required 13572
for passage are equivalent to the scores required for passage on 13573
the other approved equivalency tests. 13574

(C) All of the following shall be considered the 13575
equivalent of a certificate of high school equivalence awarded 13576
by the department under this section: 13577

(1) A high school equivalence diploma or a certificate of 13578
high school equivalence awarded by the state board of education 13579
prior to ~~the effective date of this section~~ September 14, 2016; 13580

(2) A certificate of high school equivalence issued prior 13581

to January 1, 1994, attesting to the achievement of the 13582
equivalent of a high school education as measured by scores 13583
obtained on tests of general educational development; 13584

(3) A statement issued by a primary-secondary education or 13585
higher education agency of another state that indicates that its 13586
holder has achieved the equivalent of a high school education as 13587
measured by scores obtained on a similar nationally recognized 13588
high school equivalency test. 13589

(D) ~~The state board department,~~ in consultation with the 13590
chancellor of higher education, shall adopt rules to administer 13591
this section and section 3301.81 of the Revised Code. 13592

Sec. 3301.81. (A) A person who meets all of the following 13593
criteria shall be permitted to take a high school equivalency 13594
test approved by the department of education and workforce 13595
pursuant to division (B) of section 3301.80 of the Revised Code: 13596

(1) The person is at least eighteen years of age. 13597

(2) The person is officially withdrawn from school. 13598

(3) The person has not received a high school diploma or 13599
honors diploma awarded under section 3313.61, 3313.611, 13600
3313.612, or 3325.08 of the Revised Code. 13601

(B) A person who is at least sixteen years of age but less 13602
than eighteen years of age may apply to the department to take 13603
an approved equivalency test, so long as the person meets all of 13604
the following criteria: 13605

(1) The person has not received a high school diploma or 13606
honors diploma awarded under section 3313.61, 3313.611, 13607
3313.612, or 3325.08 of the Revised Code. 13608

(2) The person is officially withdrawn from school. 13609

(3) The person submits, along with the application, 13610
written approval from the person's parent or guardian or a court 13611
official. 13612

(C) For the purpose of calculating graduation rates for 13613
the school district and building report cards under section 13614
3302.03 of the Revised Code, the department shall count any 13615
person who officially withdraws from school to take an approved 13616
equivalency test under this section as a dropout from the 13617
district or school in which the person was last enrolled. 13618

(D) If a person takes an approved equivalency test and 13619
fails to attain the scores required to earn a certificate of 13620
high school equivalence, as defined in section 5107.40 of the 13621
Revised Code, on the entire battery of tests, that person shall 13622
be required to retake only the specific test on which the person 13623
did not attain a passing score in order to earn a certificate of 13624
high school equivalence. If a person retakes a specific test, 13625
that person shall be responsible only for the cost of that test 13626
and not for the cost of the entire battery of tests, unless that 13627
person is retaking the entire battery. 13628

Sec. 3301.923. The department of education and workforce 13629
shall establish a clearinghouse of best practices that schools 13630
may use to promote student health. The department shall update 13631
the clearinghouse as necessary. 13632

Sec. 3301.94. ~~Upon approval of the state board of~~ 13633
~~education, the superintendent of public instruction and the~~ 13634
~~chancellor of the Ohio board of regents~~ The department of 13635
education and workforce and the chancellor of higher education 13636
may enter into a memorandum of understanding under which the 13637
department ~~of education~~, on behalf of the chancellor, will 13638
receive and maintain copies of data records containing student 13639

information reported to the chancellor for the purpose of 13640
combining those records with the data reported to the education 13641
management information system, established under section 13642
3301.0714 of the Revised Code, to establish an education data 13643
repository that may be used to conduct longitudinal research and 13644
evaluation. The memorandum of understanding shall specify the 13645
following: 13646

(A) That, prior to establishing the repository, the 13647
~~superintendent~~ department and chancellor shall develop a 13648
strategic plan for the repository that outlines the goals to be 13649
achieved from its implementation and use. A copy of the 13650
strategic plan shall be provided to the governor, the president 13651
of the senate, and the speaker of the house of representatives; 13652

(B) That the chancellor shall submit all student data to 13653
be included in the repository to the independent contractor 13654
engaged by the department to create and maintain the student 13655
data verification codes required by division (D)(2) of section 13656
3301.0714 of the Revised Code. For each student included in the 13657
data submitted by the chancellor, the independent contractor 13658
shall determine whether a data verification code has been 13659
assigned to that student. In the case of a student to whom a 13660
data verification code has been assigned, the independent 13661
contractor shall add the code to the student's data record and 13662
remove from the data record any information that would enable 13663
the data verification code to be matched to personally 13664
identifiable student data. In the case of a student to whom a 13665
data verification code has not been assigned, the independent 13666
contractor shall assign a data verification code to the student, 13667
add the data verification code to the student's data record, and 13668
remove from the data record any information that would enable 13669
the data verification code to be matched to personally 13670

identifiable student data. After making the modifications 13671
described in this division, the independent contractor shall 13672
transmit the data to the department and the chancellor. 13673

(C) That the ~~superintendent~~ department and the chancellor 13674
jointly shall develop procedures for the maintenance of the data 13675
in the repository and shall designate the types of research that 13676
may be conducted using that data. Permitted uses of the data 13677
shall include, but are not limited to, the following: 13678

(1) Assisting the department, ~~superintendent, or state~~ 13679
~~board~~ in performing audit and evaluation functions concerning 13680
preschool, elementary, and secondary education as required or 13681
authorized by any provision of law, including division (C) of 13682
section 3301.07 and sections 3301.12, 3301.16, 3301.53, 3301.57, 13683
3301.58, and 3302.03 of the Revised Code; 13684

(2) Assisting the department and the chancellor in 13685
performing audit and evaluation functions concerning higher 13686
education as required or authorized by any provision of law, 13687
including sections 3333.04, 3333.041, 3333.047, 3333.122, 13688
3333.123, 3333.16, 3333.161, 3333.374, 3333.72, and 3333.82 of 13689
the Revised Code. 13690

(D) That the ~~superintendent~~ department and the chancellor, 13691
from time to time, jointly may enter into written agreements 13692
with entities for the use of data in the repository to conduct 13693
research and analysis designed to evaluate the effectiveness of 13694
programs or services, to measure progress against specific 13695
strategic planning goals, or for any other purpose permitted by 13696
law that the ~~superintendent~~ department and chancellor consider 13697
necessary for the performance of their duties under the Revised 13698
Code. The agreements may permit the disclosure of personally 13699
identifiable student information to the entity named in the 13700

agreement, provided that disclosure complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and regulations promulgated under that act prescribing requirements for such agreements. ~~The superintendent shall notify the state board of each agreement entered into under this division.~~

(E) That the data in the repository submitted by the department shall remain under the direct control of the department and that the data in the repository submitted by the chancellor shall remain under the direct control of the chancellor;

(F) That the data in the repository shall be managed in a manner that complies with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended;

(G) That all costs related to the initial establishment and ongoing maintenance of the repository shall be paid from funds received from state incentive grants awarded under division (A), Title XIV, section 14006 of the American Recovery and Reinvestment Act of 2009, other federal grant programs, or existing appropriations of the department or chancellor that are designated for a purpose consistent with this section;

(H) That the department annually shall report to ~~the state board~~ and the chancellor all requests for access to or use of the data in the repository and all costs related to the initial establishment and ongoing maintenance of the repository.

Sec. 3301.941. As used in this section, "early childhood program" means any publicly funded program providing services to children younger than compulsory school age, as defined in section 3321.01 of the Revised Code.

Student level data records collected and maintained for 13730
purposes of administering early childhood programs shall be 13731
assigned a unique student data verification code in accordance 13732
with division (D) (2) of section 3301.0714 of the Revised Code 13733
and shall be included in the combined data repository authorized 13734
by section 3301.94 of the Revised Code. The department of 13735
education and workforce may require certain personally 13736
identifiable student data, including student names, to be 13737
reported to the department for purposes of administering early 13738
childhood programs but not be included in the combined data 13739
repository. The department and each school or center providing 13740
services through an early childhood program that receives a 13741
student level data record, a data verification code, or other 13742
personally identifiable information shall not release that 13743
record, code, or other information to any person except as 13744
provided by section 3319.321 of the Revised Code or the "Family 13745
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 13746
U.S.C. 1232g. Any document relative to an early childhood 13747
program that the department holds in its files that contains a 13748
student's name, data verification code, or other personally 13749
identifiable information shall not be a public record under 13750
section 149.43 of the Revised Code. 13751

Any state agency that administers an early childhood 13752
program may use student data contained in the combined data 13753
repository to conduct research and analysis designed to evaluate 13754
the effectiveness of and investments in that program, in 13755
compliance with the Family Educational Rights and Privacy Act 13756
and regulations promulgated under that act. 13757

Sec. 3301.948. Notwithstanding anything in the Revised 13758
Code to the contrary, the department of education and workforce, 13759
any school district, any school, or any third party under 13760

contract with the state, a school district, or a school shall 13761
not provide student names and addresses to any multi-state 13762
consortium that offers summative assessments. 13763

Sec. 3302.01. As used in this chapter: 13764

(A) "Performance index score" means the average of the 13765
totals derived from calculations, for each subject area, of the 13766
weighted proportion of untested students and students scoring at 13767
each level of skill described in division (A)(2) of section 13768
3301.0710 of the Revised Code on the state achievement 13769
assessments, as follows: 13770

(1) For the assessments prescribed by division (A)(1) of 13771
section 3301.0710 of the Revised Code, the average for each of 13772
the subject areas of English language arts, mathematics, and 13773
science. 13774

(2) For the assessments prescribed by division (B)(1) of 13775
section 3301.0710 and division (B)(2) of section 3301.0712 of 13776
the Revised Code, the average for each of the subject areas of 13777
English language arts, mathematics, science, American history, 13778
and American government. The average also shall include any 13779
substitute examinations approved under division (B)(4) of 13780
section 3301.0712 of the Revised Code in the subject areas of 13781
science, American history, and American government. 13782

The department of education and workforce shall assign 13783
weights such that students who do not take an assessment receive 13784
a weight of zero and students who take an assessment receive 13785
progressively larger weights dependent upon the level of skill 13786
attained on the assessment. The department shall assign 13787
additional weights to students who have been permitted to pass 13788
over a subject in accordance with a student acceleration policy 13789

adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A) (2) (c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A) (2) (a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, ~~as approved by the state board.~~ For each school year that such a student's score is included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

Students shall be included in the "performance index score" in accordance with division (L) (2) of section 3302.03 of the Revised Code.

(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:

- (1) Major racial and ethnic groups;
- (2) Students with disabilities;
- (3) Economically disadvantaged students;
- (4) English learners;

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also

include data for students with specific academic ability in that field. 13819
13820

(C) "No Child Left Behind Act of 2001" includes the 13821
statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 13822
waivers, or both thereto, rules and regulations promulgated 13823
pursuant to those statutes, guidance documents, and any other 13824
policy directives regarding implementation of that act issued by 13825
the United States department of education. 13826

(D) "Adequate yearly progress" means a measure of annual 13827
academic performance as calculated in accordance with the "No 13828
Child Left Behind Act of 2001." 13829

(E) "Supplemental educational services" means additional 13830
academic assistance, such as tutoring, remediation, or other 13831
educational enrichment activities, that is conducted outside of 13832
the regular school day by a provider approved by the department 13833
in accordance with the "No Child Left Behind Act of 2001." 13834

(F) "Value-added progress dimension" means a measure of 13835
academic gain for a student or group of students over a specific 13836
period of time that is calculated by applying a statistical 13837
methodology to individual student achievement data derived from 13838
the achievement assessments prescribed by section 3301.0710 of 13839
the Revised Code. The "value-added progress dimension" shall be 13840
developed and implemented in accordance with section 3302.021 of 13841
the Revised Code. 13842

(G) (1) "Four-year adjusted cohort graduation rate" means 13843
the number of students who graduate in four years or less with a 13844
regular high school diploma divided by the number of students 13845
who form the adjusted cohort for the graduating class. 13846

(2) "Five-year adjusted cohort graduation rate" means the 13847

number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and workforce and the United States department of education.

(J) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(K) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

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

Sec. 3302.02. (A) Not later than one year after the adoption of rules under division (D) of section 3301.0712 of the Revised Code and at least every sixth year thereafter, ~~upon recommendations of the superintendent of public instruction, the state board~~ department of education and workforce shall establish all of the following:

(1) A set of performance indicators that considered as a unit will be used as one of the performance categories for the report cards required by section 3302.03 of the Revised Code. In establishing these indicators, the ~~superintendent~~ department shall consider inclusion of student performance on assessments prescribed under section 3301.0710 or 3301.0712 of the Revised

Code, rates of student improvement on such assessments, the 13877
breadth of coursework available within the district, and other 13878
indicators of student success. 13879

Beginning with the report card issued under section 13880
3302.03 of the Revised Code for the 2021-2022 school year, the 13881
performance indicators prescribed under division (A)(1) of this 13882
section regarding student performance on state assessments shall 13883
not require a school district or building to attain a 13884
proficiency percentage to meet an indicator. Rather, the 13885
performance indicators only shall report proficiency 13886
percentages, trends, and comparisons. 13887

(2) A performance indicator that reflects the level of 13888
identification and services provided to, and the performance of, 13889
students identified as gifted under Chapter 3324. of the Revised 13890
Code. The indicator shall be prescribed by rules adopted under 13891
Chapter 119. of the Revised Code by the ~~state board~~ department. 13892
The ~~state board~~ department shall consult with the gifted 13893
advisory council regarding all rules adopted under this section. 13894
Consultation with the state gifted advisory council shall occur 13895
not less than every three years. 13896

The gifted performance indicator shall include: 13897

(a) The performance of students on state assessments, as 13898
measured by a performance index score, disaggregated for 13899
students identified as gifted; 13900

(b) Value-added growth measure under section 3302.021 of 13901
the Revised Code, disaggregated for students identified as 13902
gifted; 13903

(c) The level of identification as measured by the 13904
percentage of students in each grade level identified as gifted 13905

and disaggregated by traditionally underrepresented and 13906
economically disadvantaged students; 13907

(d) The level of services provided to students as measured 13908
by the percentage of students provided services in each grade 13909
level and disaggregated by traditionally underrepresented and 13910
economically disadvantaged students. 13911

(3) A performance indicator that measures chronic 13912
absenteeism, as determined by the department ~~of education~~, in a 13913
school district or school building. 13914

Beginning with the report card issued under section 13915
3302.03 of the Revised Code for the 2021-2022 school year, the 13916
performance indicators prescribed in divisions (A) (2) and (3) of 13917
this section shall not be part of the performance indicator unit 13918
under division (A) (1) of this section. 13919

(B) For the 2013-2014 school year, except as otherwise 13920
provided in this section, for any indicator based on the 13921
percentage of students attaining a proficient score on the 13922
assessments prescribed by divisions (A) and (B) (1) of section 13923
3301.0710 of the Revised Code, a school district or building 13924
shall be considered to have met the indicator if at least eighty 13925
per cent of the tested students attain a score of proficient or 13926
higher on the assessment. A school district or building shall be 13927
considered to have met the indicator for the assessments 13928
prescribed by division (B) (1) of section 3301.0710 of the 13929
Revised Code and only as administered to eleventh grade 13930
students, if at least eighty-five per cent of the tested 13931
students attain a score of proficient or higher on the 13932
assessment. 13933

The ~~state board~~ department shall adopt rules, under 13934

Chapter 119. of the Revised Code, to establish proficiency 13935
percentages to meet each indicator that is based on a state 13936
assessment, prescribed under section 3301.0710 or 3301.0712 of 13937
the Revised Code, for the 2014-2015, 2015-2016, 2016-2017, 2017- 13938
2018, 2018-2019, 2019-2020, and 2020-2021 school years by the 13939
following dates: 13940

(1) Not later than December 31, 2015, for the 2014-2015 13941
school year; 13942

(2) Not later than July 1, 2016, for the 2015-2016 school 13943
year; 13944

(3) Not later than July 1, 2017, for the 2016-2017, 2017- 13945
2018, 2018-2019, 2019-2020, and 2020-2021 school years. 13946

Sec. 3302.021. (A) ~~Not earlier than July 1, 2005, and not~~ 13947
~~later than July 1, 2007, the~~ The department of education and 13948
workforce shall implement a value-added progress dimension for 13949
school districts and buildings and shall incorporate the value- 13950
added progress dimension into the report cards and performance 13951
ratings issued for districts and buildings under section 3302.03 13952
of the Revised Code. 13953

The ~~state board of education department~~ shall adopt rules, 13954
pursuant to Chapter 119. of the Revised Code, for the 13955
implementation of the value-added progress dimension. The rules 13956
adopted under this division shall specify both of the following: 13957

(1) A scale for describing the levels of academic progress 13958
in reading and mathematics relative to a standard year of 13959
academic growth in those subjects for each of grades three 13960
through eight; 13961

(2) That the department shall maintain the confidentiality 13962
of individual student test scores and individual student reports 13963

in accordance with sections 3301.0711, 3301.0714, and 3319.321 13964
of the Revised Code and federal law. The department may require 13965
school districts to use a unique identifier for each student for 13966
this purpose. Individual student test scores and individual 13967
student reports shall be made available only to a student's 13968
classroom teacher and other appropriate educational personnel 13969
and to the student's parent or guardian. 13970

(B) The department shall explore the feasibility of using 13971
the value-added gain index and effect size to improve 13972
differentiation and interpretation of the measure. If the 13973
department determines that it is feasible, ~~the state board~~ it 13974
may update the rules adopted under division (A) of this section 13975
to implement the use of gain index and effect size. If rules are 13976
adopted under division (A) of this section that use the gain 13977
index and effect size, any prior method used to calculate letter 13978
grades or performance ratings under section 3302.03 of the 13979
Revised Code shall no longer apply. Rather, ~~the state board~~ 13980
department shall update its rules to determine how letter grades 13981
or performance ratings for each level of performance are 13982
calculated under section 3302.03 of the Revised Code using gain 13983
index and effect size. 13984

(C) The department shall use a system designed for 13985
collecting necessary data, calculating the value-added progress 13986
dimension, analyzing data, and generating reports, which system 13987
has been used previously by a nonprofit organization led by the 13988
Ohio business community for at least one year in the operation 13989
of a pilot program in cooperation with school districts to 13990
collect and report student achievement data via electronic means 13991
and to provide information to the districts regarding the 13992
academic performance of individual students, grade levels, 13993
school buildings, and the districts as a whole. 13994

(D) The department shall not pay more than two dollars per student for data analysis and reporting to implement the value-added progress dimension in the same manner and with the same services as under the pilot program described by division (B) of this section. However, nothing in this section shall preclude the department or any school district from entering into a contract for the provision of more services at a higher fee per student. Any data analysis conducted under this section by an entity under contract with the department shall be completed in accordance with timelines established by the ~~superintendent of public instruction~~director of education and workforce. 13995
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(E) The department shall share any aggregate student data and any calculation, analysis, or report utilizing aggregate student data that is generated under this section with the chancellor of the ~~Ohio board of regents~~higher education. The department shall not share individual student test scores and individual student reports with the chancellor. 14006
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Sec. 3302.03. Not later than the thirty-first day of July of each year, the department of education and workforce shall submit preliminary report card data for overall academic performance and for each separate performance measure for each school district, and each school building, in accordance with this section. 14012
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Annually, not later than the fifteenth day of September or the preceding Friday when that day falls on a Saturday or Sunday, the department shall assign a letter grade or performance rating for overall academic performance and for each separate performance measure for each school district, and each school building in a district, in accordance with this section. The ~~state board of education~~department shall adopt rules 14018
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pursuant to Chapter 119. of the Revised Code to implement this 14025
section. The ~~state board's~~ department's rules shall establish 14026
performance criteria for each letter grade or performance rating 14027
and prescribe a method by which the department assigns each 14028
letter grade or performance rating. For a school building to 14029
which any of the performance measures do not apply, due to grade 14030
levels served by the building, the department shall designate 14031
the performance measures that are applicable to the building and 14032
that must be calculated separately and used to calculate the 14033
building's overall grade or performance rating. The department 14034
shall issue annual report cards reflecting the performance of 14035
each school district, each building within each district, and 14036
for the state as a whole using the performance measures and 14037
letter grade or performance rating system described in this 14038
section. The department shall include on the report card for 14039
each district and each building within each district the most 14040
recent two-year trend data in student achievement for each 14041
subject and each grade. 14042

(A) (1) For the 2012-2013 school year, the department shall 14043
issue grades as described in division (F) of this section for 14044
each of the following performance measures: 14045

(a) Annual measurable objectives; 14046

(b) Performance index score for a school district or 14047
building. Grades shall be awarded as a percentage of the total 14048
possible points on the performance index system as adopted by 14049
the ~~state board~~ department. In adopting benchmarks for assigning 14050
letter grades under division (A) (1) (b) of this section, the 14051
~~state board~~ department shall designate ninety per cent or higher 14052
for an "A," at least seventy per cent but not more than eighty 14053
per cent for a "C," and less than fifty per cent for an "F." 14054

(c) The extent to which the school district or building 14055
meets each of the applicable performance indicators established 14056
by the ~~state board~~ department under section 3302.02 of the 14057
Revised Code and the percentage of applicable performance 14058
indicators that have been achieved. In adopting benchmarks for 14059
assigning letter grades under division (A)(1)(c) of this 14060
section, the ~~state board~~ department shall designate ninety per 14061
cent or higher for an "A." 14062

(d) The four- and five-year adjusted cohort graduation 14063
rates. 14064

In adopting benchmarks for assigning letter grades under 14065
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 14066
department shall designate a four-year adjusted cohort 14067
graduation rate of ninety-three per cent or higher for an "A" 14068
and a five-year cohort graduation rate of ninety-five per cent 14069
or higher for an "A." 14070

(e) The overall score under the value-added progress 14071
dimension of a school district or building, for which the 14072
department shall use up to three years of value-added data as 14073
available. The letter grade assigned for this growth measure 14074
shall be as follows: 14075

(i) A score that is at least one standard error of measure 14076
above the mean score shall be designated as an "A." 14077

(ii) A score that is less than one standard error of 14078
measure above but greater than one standard error of measure 14079
below the mean score shall be designated as a "B." 14080

(iii) A score that is less than or equal to one standard 14081
error of measure below the mean score but greater than two 14082
standard errors of measure below the mean score shall be 14083

designated as a "C." 14084

(iv) A score that is less than or equal to two standard 14085
errors of measure below the mean score but is greater than three 14086
standard errors of measure below the mean score shall be 14087
designated as a "D." 14088

(v) A score that is less than or equal to three standard 14089
errors of measure below the mean score shall be designated as an 14090
"F." 14091

Whenever the value-added progress dimension is used as a 14092
graded performance measure in this division and divisions (B) 14093
and (C) of this section, whether as an overall measure or as a 14094
measure of separate subgroups, the grades for the measure shall 14095
be calculated in the same manner as prescribed in division (A) 14096
(1)(e) of this section. 14097

(f) The value-added progress dimension score for a school 14098
district or building disaggregated for each of the following 14099
subgroups: students identified as gifted, students with 14100
disabilities, and students whose performance places them in the 14101
lowest quintile for achievement on a statewide basis. Each 14102
subgroup shall be a separate graded measure. 14103

(2) ~~Not later than April 30, 2013, the state board of~~ 14104
~~education~~ The department shall adopt a resolution describing the 14105
performance measures, benchmarks, and grading system for the 14106
2012-2013 school year and, ~~not later than June 30, 2013,~~ shall 14107
adopt rules in accordance with Chapter 119. of the Revised Code 14108
that prescribe the methods by which the performance measures 14109
under division (A)(1) of this section shall be assessed and 14110
assigned a letter grade, including performance benchmarks for 14111
each letter grade. 14112

At least forty-five days prior to the ~~state board's~~ 14113
department's adoption of rules to prescribe the methods by which 14114
the performance measures under division (A) (1) of this section 14115
shall be assessed and assigned a letter grade, the department 14116
shall conduct a public presentation before the standing 14117
committees of the house of representatives and the senate that 14118
consider education legislation describing such methods, 14119
including performance benchmarks. 14120

(3) There shall not be an overall letter grade for a 14121
school district or building for the 2012-2013 school year. 14122

(B) (1) For the 2013-2014 school year, the department shall 14123
issue grades as described in division (F) of this section for 14124
each of the following performance measures: 14125

(a) Annual measurable objectives; 14126

(b) Performance index score for a school district or 14127
building. Grades shall be awarded as a percentage of the total 14128
possible points on the performance index system as created by 14129
the department. In adopting benchmarks for assigning letter 14130
grades under division (B) (1) (b) of this section, the ~~state board~~ 14131
department shall designate ninety per cent or higher for an "A," 14132
at least seventy per cent but not more than eighty per cent for 14133
a "C," and less than fifty per cent for an "F." 14134

(c) The extent to which the school district or building 14135
meets each of the applicable performance indicators established 14136
by the ~~state board~~ department under section 3302.03 of the 14137
Revised Code and the percentage of applicable performance 14138
indicators that have been achieved. In adopting benchmarks for 14139
assigning letter grades under division (B) (1) (c) of this 14140
section, the ~~state board~~ department shall designate ninety per 14141

cent or higher for an "A." 14142

(d) The four- and five-year adjusted cohort graduation 14143
rates; 14144

(e) The overall score under the value-added progress 14145
dimension of a school district or building, for which the 14146
department shall use up to three years of value-added data as 14147
available. 14148

(f) The value-added progress dimension score for a school 14149
district or building disaggregated for each of the following 14150
subgroups: students identified as gifted in superior cognitive 14151
ability and specific academic ability fields under Chapter 3324. 14152
of the Revised Code, students with disabilities, and students 14153
whose performance places them in the lowest quintile for 14154
achievement on a statewide basis. Each subgroup shall be a 14155
separate graded measure. 14156

(g) Whether a school district or building is making 14157
progress in improving literacy in grades kindergarten through 14158
three, as determined using a method prescribed by the ~~state-~~ 14159
~~board~~department. The ~~state board~~ department shall adopt rules to 14160
prescribe benchmarks and standards for assigning grades to 14161
districts and buildings for purposes of division (B) (1) (g) of 14162
this section. In adopting benchmarks for assigning letter grades 14163
under divisions (B) (1) (g) and (C) (1) (g) of this section, the 14164
~~state board~~ department shall determine progress made based on 14165
the reduction in the total percentage of students scoring below 14166
grade level, or below proficient, compared from year to year on 14167
the reading and writing diagnostic assessments administered 14168
under section 3301.0715 of the Revised Code and the third grade 14169
English language arts assessment under section 3301.0710 of the 14170
Revised Code, as applicable. The ~~state board~~ department shall 14171

designate for a "C" grade a value that is not lower than the 14172
statewide average value for this measure. No grade shall be 14173
issued under divisions (B) (1) (g) and (C) (1) (g) of this section 14174
for a district or building in which less than five per cent of 14175
students have scored below grade level on the diagnostic 14176
assessment administered to students in kindergarten under 14177
division (B) (1) of section 3313.608 of the Revised Code. 14178

(h) For a high mobility school district or building, an 14179
additional value-added progress dimension score. For this 14180
measure, the department shall use value-added data from the most 14181
recent school year available and shall use assessment scores for 14182
only those students to whom the district or building has 14183
administered the assessments prescribed by section 3301.0710 of 14184
the Revised Code for each of the two most recent consecutive 14185
school years. 14186

As used in this division, "high mobility school district 14187
or building" means a school district or building where at least 14188
twenty-five per cent of its total enrollment is made up of 14189
students who have attended that school district or building for 14190
less than one year. 14191

(2) In addition to the graded measures in division (B) (1) 14192
of this section, the department shall include on a school 14193
district's or building's report card all of the following 14194
without an assigned letter grade: 14195

(a) The percentage of students enrolled in a district or 14196
building participating in advanced placement classes and the 14197
percentage of those students who received a score of three or 14198
better on advanced placement examinations; 14199

(b) The number of a district's or building's students who 14200

have earned at least three college credits through dual 14201
enrollment or advanced standing programs, such as the post- 14202
secondary enrollment options program under Chapter 3365. of the 14203
Revised Code and state-approved career-technical courses offered 14204
through dual enrollment or statewide articulation, that appear 14205
on a student's transcript or other official document, either of 14206
which is issued by the institution of higher education from 14207
which the student earned the college credit. The credits earned 14208
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 14209
this section shall not include any that are remedial or 14210
developmental and shall include those that count toward the 14211
curriculum requirements established for completion of a degree. 14212

(c) The percentage of students enrolled in a district or 14213
building who have taken a national standardized test used for 14214
college admission determinations and the percentage of those 14215
students who are determined to be remediation-free in accordance 14216
with standards adopted under division (F) of section 3345.061 of 14217
the Revised Code; 14218

(d) The percentage of the district's or the building's 14219
students who receive industry-recognized credentials as approved 14220
under section 3313.6113 of the Revised Code. 14221

(e) The percentage of students enrolled in a district or 14222
building who are participating in an international baccalaureate 14223
program and the percentage of those students who receive a score 14224
of four or better on the international baccalaureate 14225
examinations. 14226

(f) The percentage of the district's or building's 14227
students who receive an honors diploma under division (B) of 14228
section 3313.61 of the Revised Code. 14229

(3) ~~Not later than December 31, 2013, the state board~~The 14230
department shall adopt rules in accordance with Chapter 119. of 14231
the Revised Code that prescribe the methods by which the 14232
performance measures under divisions (B) (1) (f) and (B) (1) (g) of 14233
this section will be assessed and assigned a letter grade, 14234
including performance benchmarks for each grade. 14235

At least forty-five days prior to the ~~state board's~~ 14236
department's adoption of rules to prescribe the methods by which 14237
the performance measures under division (B) (1) of this section 14238
shall be assessed and assigned a letter grade, the department 14239
shall conduct a public presentation before the standing 14240
committees of the house of representatives and the senate that 14241
consider education legislation describing such methods, 14242
including performance benchmarks. 14243

(4) There shall not be an overall letter grade for a 14244
school district or building for the 2013-2014, 2014-2015, 2015- 14245
2016, and 2016-2017 school years. 14246

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 14247
2018-2019, 2019-2020, and 2020-2021 school years, the department 14248
shall issue grades as described in division (F) of this section 14249
for each of the performance measures prescribed in division (C) 14250
(1) of this section. The graded measures are as follows: 14251

(a) Annual measurable objectives. For the 2017-2018 school 14252
year, the department shall not include any subgroup data in the 14253
annual measurable objectives that includes data from fewer than 14254
twenty-five students. For the 2018-2019 school year, the 14255
department shall not include any subgroup data in the annual 14256
measurable objectives that includes data from fewer than twenty 14257
students. Beginning with the 2019-2020 school year, the 14258
department shall not include any subgroup data in the annual 14259

measurable objectives that includes data from fewer than fifteen students. 14260
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(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C) (1) (b) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F." 14262
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(c) The extent to which the school district or building meets each of the applicable performance indicators established by the ~~state board~~ department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C) (1) (c) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A." 14270
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(d) The four- and five-year adjusted cohort graduation rates; 14278
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(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the ~~state board~~ department, of a school district or building, for which the department shall use up to three years of value-added data as available. 14280
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In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C) (1) (e) of this section, the ~~state board~~ department shall prohibit the assigning of a grade of "A" for that measure unless 14285
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the district's or building's grade assigned for value-added 14289
progress dimension for all subgroups under division (C) (1) (f) of 14290
this section is a "C" or higher. 14291

For the metric prescribed by division (C) (1) (e) of this 14292
section, the ~~state board~~ department may adopt a student academic 14293
progress measure to be used instead of the value-added progress 14294
dimension. If the ~~state board~~ department adopts such a measure, 14295
it also shall prescribe a method for assigning letter grades for 14296
the new measure that is comparable to the method prescribed in 14297
division (A) (1) (e) of this section. 14298

(f) The value-added progress dimension score of a school 14299
district or building disaggregated for each of the following 14300
subgroups: students identified as gifted in superior cognitive 14301
ability and specific academic ability fields under Chapter 3324. 14302
of the Revised Code, students with disabilities, and students 14303
whose performance places them in the lowest quintile for 14304
achievement on a statewide basis, as determined by a method 14305
prescribed by the ~~state board~~ department. Each subgroup shall be 14306
a separate graded measure. 14307

The ~~state board~~ department may adopt student academic 14308
progress measures to be used instead of the value-added progress 14309
dimension. If the ~~state board~~ department adopts such measures, 14310
it also shall prescribe a method for assigning letter grades for 14311
the new measures that is comparable to the method prescribed in 14312
division (A) (1) (e) of this section. 14313

(g) Whether a school district or building is making 14314
progress in improving literacy in grades kindergarten through 14315
three, as determined using a method prescribed by the ~~state~~ 14316
~~board~~ department. The ~~state board~~ department shall adopt rules to 14317
prescribe benchmarks and standards for assigning grades to a 14318

district or building for purposes of division (C) (1) (g) of this 14319
section. The ~~state board~~ department shall designate for a "C" 14320
grade a value that is not lower than the statewide average value 14321
for this measure. No grade shall be issued under division (C) (1) 14322
(g) of this section for a district or building in which less 14323
than five per cent of students have scored below grade level on 14324
the kindergarten diagnostic assessment under division (B) (1) of 14325
section 3313.608 of the Revised Code. 14326

(h) For a high mobility school district or building, an 14327
additional value-added progress dimension score. For this 14328
measure, the department shall use value-added data from the most 14329
recent school year available and shall use assessment scores for 14330
only those students to whom the district or building has 14331
administered the assessments prescribed by section 3301.0710 of 14332
the Revised Code for each of the two most recent consecutive 14333
school years. 14334

As used in this division, "high mobility school district 14335
or building" means a school district or building where at least 14336
twenty-five per cent of its total enrollment is made up of 14337
students who have attended that school district or building for 14338
less than one year. 14339

(2) In addition to the graded measures in division (C) (1) 14340
of this section, the department shall include on a school 14341
district's or building's report card all of the following 14342
without an assigned letter grade: 14343

(a) The percentage of students enrolled in a district or 14344
building who have taken a national standardized test used for 14345
college admission determinations and the percentage of those 14346
students who are determined to be remediation-free in accordance 14347
with the standards adopted under division (F) of section 14348

3345.061 of the Revised Code;	14349
(b) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;	14350 14351 14352 14353
(c) The percentage of a district's or building's students who have earned at least three college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B) (2) (b) and (C) (2) (c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.	14354 14355 14356 14357 14358 14359 14360 14361 14362 14363 14364 14365
(d) The percentage of the district's or building's students who receive an honor's diploma under division (B) of section 3313.61 of the Revised Code;	14366 14367 14368
(e) The percentage of the district's or building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code;	14369 14370 14371
(f) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations;	14372 14373 14374 14375 14376
(g) The results of the college and career-ready	14377

assessments administered under division (B) (1) of section 14378
3301.0712 of the Revised Code; 14379

(h) Whether the school district or building has 14380
implemented a positive behavior intervention and supports 14381
framework in compliance with the requirements of section 3319.46 14382
of the Revised Code, notated as a "yes" or "no" answer. 14383

(3) The ~~state board~~ department shall adopt rules pursuant 14384
to Chapter 119. of the Revised Code that establish a method to 14385
assign an overall grade for a school district or school building 14386
for the 2017-2018 school year and each school year thereafter. 14387
The rules shall group the performance measures in divisions (C) 14388
(1) and (2) of this section into the following components: 14389

(a) Gap closing, which shall include the performance 14390
measure in division (C) (1) (a) of this section; 14391

(b) Achievement, which shall include the performance 14392
measures in divisions (C) (1) (b) and (c) of this section; 14393

(c) Progress, which shall include the performance measures 14394
in divisions (C) (1) (e) and (f) of this section; 14395

(d) Graduation, which shall include the performance 14396
measure in division (C) (1) (d) of this section; 14397

(e) Kindergarten through third-grade literacy, which shall 14398
include the performance measure in division (C) (1) (g) of this 14399
section; 14400

(f) Prepared for success, which shall include the 14401
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 14402
and (f) of this section. The ~~state board~~ department shall 14403
develop a method to determine a grade for the component in 14404
division (C) (3) (f) of this section using the performance 14405

measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of 14406
this section. When available, the ~~state board~~ department may 14407
incorporate the performance measure under division (C) (2) (g) of 14408
this section into the component under division (C) (3) (f) of this 14409
section. When determining the overall grade for the prepared for 14410
success component prescribed by division (C) (3) (f) of this 14411
section, no individual student shall be counted in more than one 14412
performance measure. However, if a student qualifies for more 14413
than one performance measure in the component, the ~~state board~~ 14414
department may, in its method to determine a grade for the 14415
component, specify an additional weight for such a student that 14416
is not greater than or equal to 1.0. In determining the overall 14417
score under division (C) (3) (f) of this section, the ~~state board~~ 14418
department shall ensure that the pool of students included in 14419
the performance measures aggregated under that division are all 14420
of the students included in the four- and five-year adjusted 14421
graduation cohort. 14422

In the rules adopted under division (C) (3) of this 14423
section, the ~~state board~~ department shall adopt a method for 14424
determining a grade for each component in divisions (C) (3) (a) to 14425
(f) of this section. The ~~state board~~ department also shall 14426
establish a method to assign an overall grade of "A," "B," "C," 14427
"D," or "F" using the grades assigned for each component. The 14428
method the ~~state board~~ department adopts for assigning an 14429
overall grade shall give equal weight to the components in 14430
divisions (C) (3) (b) and (c) of this section. 14431

At least forty-five days prior to the ~~state board's~~ 14432
department's adoption of rules to prescribe the methods for 14433
calculating the overall grade for the report card, as required 14434
by this division, the department shall conduct a public 14435
presentation before the standing committees of the house of 14436

representatives and the senate that consider education 14437
legislation describing the format for the report card, weights 14438
that will be assigned to the components of the overall grade, 14439
and the method for calculating the overall grade. 14440

(D) For the 2021-2022 school year and each school year 14441
thereafter, all of the following apply: 14442

(1) The department shall include on a school district's or 14443
building's report card all of the following performance measures 14444
without an assigned performance rating: 14445

(a) Whether the district or building meets the gifted 14446
performance indicator under division (A) (2) of section 3302.02 14447
of the Revised Code and the extent to which the district or 14448
building meets gifted indicator performance benchmarks; 14449

(b) The extent to which the district or building meets the 14450
chronic absenteeism indicator under division (A) (3) of section 14451
3302.02 of the Revised Code; 14452

(c) Performance index score percentage for a district or 14453
building, which shall be calculated by dividing the district's 14454
or building's performance index score according to the 14455
performance index system created by the department by the 14456
maximum performance index score for a district or building. The 14457
maximum performance index score shall be as follows: 14458

(i) For a building, the average of the highest two per 14459
cent of performance index scores achieved by a building for the 14460
school year for which a report card is issued; 14461

(ii) For a district, the average of the highest two per 14462
cent of performance index scores achieved by a district for the 14463
school year for which a report card is issued. 14464

(d) The overall score under the value-added progress dimension of a district or building, for which the department shall use three consecutive years of value-added data. In using three years of value-added data to calculate the measure prescribed under division (D)(1)(d) of this section, the department shall assign a weight of fifty per cent to the most recent year's data and a weight of twenty-five per cent to the data of each of the other years. However, if three consecutive years of value-added data is not available, the department shall use prior years of value-added data to calculate the measure, as follows:

(i) If two consecutive years of value-added data is not available, the department shall use one year of value-added data to calculate the measure.

(ii) If two consecutive years of value-added data is available, the department shall use two consecutive years of value-added data to calculate the measure. In using two years of value-added data to calculate the measure, the department shall assign a weight of sixty-seven per cent to the most recent year's data and a weight of thirty-three per cent to the data of the other year.

(e) The four-year adjusted cohort graduation rate.

(f) The five-year adjusted cohort graduation rate.

(g) The percentage of students in the district or building who score proficient or higher on the reading segment of the third grade English language arts assessment under section 3301.0710 of the Revised Code.

To the extent possible, the department shall include the results of the summer administration of the third grade reading

assessment under section 3301.0710 of the Revised Code in the 14494
performance measures prescribed under divisions (D) (1) (g) and 14495
(h) of this section. 14496

(h) Whether a district or building is making progress in 14497
improving literacy in grades kindergarten through three, as 14498
determined using a method prescribed by the department. The 14499
method shall determine progress made based on the reduction in 14500
the total percentage of students scoring below grade level, or 14501
below proficient, compared from year to year on the reading 14502
segments of the diagnostic assessments administered under 14503
section 3301.0715 of the Revised Code, including the 14504
kindergarten readiness assessment, and the third grade English 14505
language arts assessment under section 3301.0710 of the Revised 14506
Code, as applicable. The method shall not include a deduction 14507
for students who did not pass the third grade English language 14508
arts assessment under section 3301.0710 of the Revised Code and 14509
were not on a reading improvement and monitoring plan. 14510

The performance measure prescribed under division (D) (1) 14511
(h) of this section shall not be included on the report card of 14512
a district or building in which less than ten per cent of 14513
students have scored below grade level on the diagnostic 14514
assessment administered to students in kindergarten under 14515
division (B) (1) of section 3313.608 of the Revised Code. 14516

(i) The percentage of students in a district or building 14517
who are promoted to the fourth grade and not subject to 14518
retention under division (A) (2) of section 3313.608 of the 14519
Revised Code; 14520

(j) A post-secondary readiness measure. This measure shall 14521
be calculated by dividing the number of students included in the 14522
four-year adjusted graduation rate cohort who demonstrate post- 14523

secondary readiness by the total number of students included in 14524
the denominator of the four-year adjusted graduation rate 14525
cohort. Demonstration of post-secondary readiness shall include 14526
a student doing any of the following: 14527

(i) Attaining a remediation-free score, in accordance with 14528
standards adopted under division (F) of section 3345.061 of the 14529
Revised Code, on a nationally standardized assessment prescribed 14530
under division (B) (1) of section 3301.0712 of the Revised Code; 14531

(ii) Attaining required scores on three or more advanced 14532
placement or international baccalaureate examinations. The 14533
required score for an advanced placement examination shall be a 14534
three or better. The required score for an international 14535
baccalaureate examination shall be a four or better. A student 14536
may satisfy this condition with any combination of advanced 14537
placement or international baccalaureate examinations. 14538

(iii) Earning at least twelve college credits through 14539
advanced standing programs, such as the college credit plus 14540
program under Chapter 3365. of the Revised Code, an early 14541
college high school program under section 3313.6013 of the 14542
Revised Code, and state-approved career-technical courses 14543
offered through dual enrollment or statewide articulation, that 14544
appear on a student's college transcript issued by the 14545
institution of higher education from which the student earned 14546
the college credit. Earned credits reported under division (D) 14547
(1) (j) (iii) of this section shall include credits that count 14548
toward the curriculum requirements established for completion of 14549
a degree, but shall not include any remedial or developmental 14550
credits. 14551

(iv) Meeting the additional criteria for an honors diploma 14552
under division (B) of section 3313.61 of the Revised Code; 14553

(v) Earning an industry-recognized credential or license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license approved under section 3313.6113 of the Revised Code;	14554 14555 14556 14557
(vi) Satisfying any of the following conditions:	14558
(I) Completing a pre-apprenticeship aligned with options established under section 3313.904 of the Revised Code in the student's chosen career field;	14559 14560 14561
(II) Completing an apprenticeship registered with the apprenticeship council established under section 4139.02 of the Revised Code in the student's chosen career field;	14562 14563 14564
(III) Providing evidence of acceptance into an apprenticeship program after high school that is restricted to participants eighteen years of age or older.	14565 14566 14567
(vii) 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;	14568 14569 14570
(viii) Earning an OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code and completing two hundred fifty hours of an internship or other work-based learning experience that is either:	14571 14572 14573 14574
(I) Approved by the business advisory council established under section 3313.82 of the Revised Code that represents the student's district; or	14575 14576 14577
(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.	14578 14579
(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in	14580 14581

section 5910.01 of the Revised Code. 14582

A student who satisfies more than one of the conditions 14583
prescribed under this division shall be counted as one student 14584
for the purposes of calculating the measure prescribed under 14585
division (D) (1) (j) of this section. 14586

(2) In addition to the performance measures under division 14587
(D) (1) of this section, the department shall report on a 14588
district's or building's report card all of the following data 14589
without an assigned performance rating: 14590

(a) The applicable performance indicators established by 14591
the ~~state board~~ department under division (A) (1) of section 14592
3302.02 of the Revised Code; 14593

(b) The overall score under the value-added progress 14594
dimension of a district or building for the most recent school 14595
year; 14596

(c) A composite of the overall scores under the value- 14597
added progress dimension of a district or building for the 14598
previous three school years or, if only two years of value-added 14599
data are available, for the previous two years; 14600

(d) The percentage of students included in the four- and 14601
five-year adjusted cohort graduation rates of a district or 14602
building who did not receive a high school diploma under section 14603
3313.61 or 3325.08 of the Revised Code. To the extent possible, 14604
the department shall disaggregate that data according to the 14605
following categories: 14606

(i) Students who are still enrolled in the district or 14607
building and receiving general education services; 14608

(ii) Students with an individualized education program, as 14609

defined in section 3323.01 of the Revised Code, who satisfied 14610
the conditions for a high school diploma under section 3313.61 14611
or 3325.08 of the Revised Code, but opted not to receive a 14612
diploma and are still receiving education services; 14613

(iii) Students with an individualized education program 14614
who have not yet satisfied conditions for a high school diploma 14615
under section 3313.61 or 3325.08 of the Revised Code and who are 14616
still receiving education services; 14617

(iv) Students who are no longer enrolled in any district 14618
or building; 14619

(v) Students who, upon enrollment in the district or 14620
building for the first time, had completed fewer units of high 14621
school instruction required under section 3313.603 of the 14622
Revised Code than other students in the four- or five-year 14623
adjusted cohort graduation rate. 14624

The department may disaggregate the data prescribed under 14625
division (D) (2) (d) of this section according to other categories 14626
that the department determines are appropriate. 14627

(e) The results of the kindergarten diagnostic assessment 14628
prescribed under division (D) of section 3301.079 of the Revised 14629
Code; 14630

(f) Post-graduate outcomes for students who were enrolled 14631
in a district or building and received a high school diploma 14632
under section 3313.61 or 3325.08 of the Revised Code in the 14633
school year prior to the school year for which the report card 14634
is issued, including the percentage of students who: 14635

(i) Enrolled in a post-secondary educational institution. 14636
To the extent possible, the department shall disaggregate that 14637
data according to whether the student enrolled in a four-year 14638

institution of higher education, a two-year institution of 14639
higher education, an Ohio technical center that provides adult 14640
technical education services and is recognized by the chancellor 14641
of higher education, or another type of post-secondary 14642
educational institution. 14643

(ii) Entered an apprenticeship program registered with the 14644
apprenticeship council established under Chapter 4139. of the 14645
Revised Code. The department may include other job training 14646
programs with similar rigor and outcomes. 14647

(iii) Attained gainful employment, as determined by the 14648
department; 14649

(iv) Enlisted in a branch of the armed forces of the 14650
United States, as defined in section 5910.01 of the Revised 14651
Code. 14652

(g) Whether the school district or building has 14653
implemented a positive behavior intervention and supports 14654
framework in compliance with the requirements of section 3319.46 14655
of the Revised Code, notated with a "yes" or "no"; 14656

(h) The number and percentage of high school seniors in 14657
each school year who completed the free application for federal 14658
student aid; 14659

(i) Beginning with the report card issued under this 14660
section for the 2022-2023 school year, a student opportunity 14661
profile measure that reports data regarding the opportunities 14662
provided to students by a district or building. To the extent 14663
possible, and when appropriate, the data shall be disaggregated 14664
by grade level and subgroup. The measure also shall include data 14665
regarding the statewide average, the average for similar school 14666
districts, and, for a building, the average for the district in 14667

which the building is located. The measure shall include all of	14668
the following data for the district or building:	14669
(i) The average ratio of teachers of record to students in	14670
each grade level in a district or building;	14671
(ii) The average ratio of school counselors to students in	14672
a district or building;	14673
(iii) The average ratio of nurses to students in a	14674
district or building;	14675
(iv) The average ratio of licensed librarians and library	14676
media specialists to students in a district or building;	14677
(v) The average ratio of social workers to students in a	14678
district or building;	14679
(vi) The average ratio of mental health professionals to	14680
students in a district or building;	14681
(vii) The average ratio of paraprofessionals to students	14682
in a district or building;	14683
(viii) The percentage of teachers with fewer than three	14684
years of experience teaching in any school;	14685
(ix) The percentage of principals with fewer than three	14686
years of experience as a principal in any school;	14687
(x) The percentage of teachers who are not teaching in the	14688
subject or field for which they are certified or licensed;	14689
(xi) The percentage of kindergarten students who are	14690
enrolled in all-day kindergarten, as defined in section 3321.05	14691
of the Revised Code;	14692
(xii) The percentage of students enrolled in a performing	14693
or visual arts course;	14694

(xiii) The percentage of students enrolled in a physical education or wellness course;	14695
	14696
(xiv) The percentage of students enrolled in a world language course;	14697
	14698
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	14699
	14700
(xvi) The percentage of students participating in one or more cocurricular activities;	14701
	14702
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	14703
	14704
	14705
	14706
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	14707
	14708
	14709
	14710
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	14711
	14712
	14713
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	14714
	14715
	14716
	14717
(xxi) The percentage of students who are transported by a school bus each school day;	14718
	14719
(xxii) The ratio of portable technology devices that students may take home to the number of students.	14720
	14721

The department shall include only opportunity measures at 14722
the building level for which data for buildings is available, as 14723
determined by a school district. 14724

(j) (i) The percentage of students included in the four- 14725
and five-year adjusted cohort graduation rates of the district 14726
or building who completed all of grades nine through twelve 14727
while enrolled in the district or building; 14728

(ii) The four-year adjusted cohort graduation rate for 14729
only those students who were continuously enrolled in the same 14730
district or building for grades nine through twelve. 14731

(k) The percentage of students in the district or building 14732
to whom both of the following apply: 14733

(i) The students are promoted to fourth grade and not 14734
subject to retention under division (A) (2) of section 3313.608 14735
of the Revised Code. 14736

(ii) The students completed all of the grade levels 14737
offered prior to the fourth grade in the district or building. 14738

(3) Except as provided in division (D) (3) (f) of this 14739
section, the department shall use the ~~state board's~~ method 14740
prescribed under rules adopted under division (D) (4) of this 14741
section to assign performance ratings of "one star," "two 14742
stars," "three stars," "four stars," or "five stars," as 14743
described in division (F) of this section, for a district or 14744
building for the individual components prescribed under division 14745
(D) (3) of this section. The department also shall assign an 14746
overall performance rating for a district or building in 14747
accordance with division (D) (3) (g) of this section. The method 14748
shall use the performance measures prescribed under division (D) 14749
(1) of this section to calculate performance ratings for 14750

components. The method may report data under division (D) (2) of 14751
this section with corresponding components, but shall not use 14752
the data to calculate performance ratings for that component. 14753
The performance measures and reported data shall be grouped 14754
together into components as follows: 14755

(a) Gap closing. In addition to other criteria determined 14756
appropriate by the department, performance ratings for the gap 14757
closing component shall reflect whether each of the following 14758
performance measures are met or not met: 14759

(i) The gifted performance indicator as described in 14760
division (D) (1) (a) of this section; 14761

(ii) The chronic absenteeism indicator as described in 14762
division (D) (1) (b) of this section; 14763

(iii) For English learners, an English language 14764
proficiency improvement indicator established by the department; 14765

(iv) The subgroup graduation targets; 14766

(v) The subgroup achievement targets in both mathematics 14767
and English language arts; 14768

(vi) The subgroup progress targets in both mathematics and 14769
English language arts. 14770

Achievement and progress targets under division (D) (3) (a) 14771
of this section shall be calculated individually, and districts 14772
and buildings shall receive a status of met or not met on each 14773
measure. The department shall not require a subgroup of a 14774
district or building to meet both the achievement and progress 14775
targets at the same time to receive a status of met. 14776

The department shall not include any subgroup data in this 14777
measure that includes data from fewer than fifteen students. Any 14778

penalty for failing to meet the required assessment 14779
participation rate must be partially in proportion to how close 14780
the district or building was to meeting the rate requirement. 14781

(b) Achievement, which shall include the performance 14782
measure in division (D) (1) (c) of this section and the reported 14783
data in division (D) (2) (a) of this section. Performance ratings 14784
for the achievement component shall be awarded as a percentage 14785
of the maximum performance index score described in division (D) 14786
(1) (c) of this section. 14787

(c) Progress, which shall include the performance measure 14788
in division (D) (1) (d) of this section and the reported data in 14789
divisions (D) (2) (b) and (c) of this section; 14790

(d) Graduation, which shall include the performance 14791
measures in divisions (D) (1) (e) and (f) of this section and the 14792
reported data in divisions (D) (2) (d) and (j) of this section. 14793
The four-year adjusted cohort graduation rate shall be assigned 14794
a weight of sixty per cent and the five-year adjusted cohort 14795
graduation rate shall be assigned a weight of forty per cent; 14796

(e) Early literacy, which shall include the performance 14797
measures in divisions (D) (1) (g), (h), and (i) of this section 14798
and the reported data in divisions (D) (2) (e) and (k) of this 14799
section. 14800

If the measure prescribed under division (D) (1) (h) of this 14801
section is included in a report card, performance ratings for 14802
the early literacy component shall give a weight of forty per 14803
cent to the measure prescribed under division (D) (1) (g) of this 14804
section, a weight of thirty-five per cent to the measure 14805
prescribed under division (D) (1) (i) of this section, and a 14806
weight of twenty-five per cent to the measure prescribed under 14807

division (D) (1) (h) of this section. 14808

If the measure prescribed under division (D) (1) (h) of this 14809
section is not included in a report card of a district or 14810
building, performance ratings for the early literacy component 14811
shall give a weight of sixty per cent to the measure prescribed 14812
under division (D) (1) (g) of this section and a weight of forty 14813
per cent to the measure prescribed under division (D) (1) (i) of 14814
this section. 14815

(f) College, career, workforce, and military readiness, 14816
which shall include the performance measure in division (D) (1) 14817
(j) of this section and the reported data in division (D) (2) (f) 14818
of this section. 14819

For the 2021-2022, 2022-2023, and 2023-2024 school years, 14820
the department only shall report the data for, and not assign a 14821
performance rating to, the college, career, workforce, and 14822
military readiness component. The reported data shall include 14823
the percentage of students who demonstrate post-secondary 14824
readiness using any of the options described in division (D) (1) 14825
(j) of this section. 14826

The department shall analyze the data included in the 14827
performance measure prescribed in division (D) (1) (j) of this 14828
section for the 2021-2022, 2022-2023, and 2023-2024 school 14829
years. Using that data, the department shall develop and propose 14830
rules for a method to assign a performance rating to the 14831
college, career, workforce, and military readiness component 14832
based on that measure. The method to assign a performance rating 14833
shall not include a tiered structure or per student bonuses. The 14834
rules shall specify that a district or building shall not 14835
receive lower than a performance rating of three stars for the 14836
component if the district's or building's performance on the 14837

component meets or exceeds a level of improvement set by the 14838
department. Notwithstanding division (D) (4) (b) of this section, 14839
more than half of the total districts and buildings may earn a 14840
performance rating of three stars on this component to account 14841
for the districts and buildings that earned a performance rating 14842
of three stars because they met or exceeded the level of 14843
improvement set by the department. 14844

The department shall submit the rules to the joint 14845
committee on agency rule review. The committee shall conduct at 14846
least one public hearing on the proposed rules and approve or 14847
disapprove the rules. If the committee approves the rules, the 14848
~~state board~~ department shall adopt the rules in accordance with 14849
Chapter 119. of the Revised Code. If the rules are adopted, the 14850
department shall assign a performance rating to the college, 14851
career, workforce, and military readiness component under the 14852
rules beginning with the 2024-2025 school year, and for each 14853
school year thereafter. If the committee disapproves the rules, 14854
the component shall be included in the report card only as 14855
reported data for the 2024-2025 school year, and each school 14856
year thereafter. 14857

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 14858
this section, beginning with the 2022-2023 school year, under 14859
the ~~state board's~~ method prescribed under rules adopted in 14860
division (D) (4) of this section, the department shall use the 14861
performance ratings assigned for the components prescribed in 14862
divisions (D) (3) (a) to (e) of this section to determine and 14863
assign an overall performance rating of "one star," "one and 14864
one-half stars," "two stars," "two and one-half stars," "three 14865
stars," "three and one-half stars," "four stars," "four and one- 14866
half stars," or "five stars" for a district or building. The 14867
method shall give equal weight to the components in divisions 14868

(D) (3) (b) and (c) of this section. The method shall give equal weight to the components in divisions (D) (3) (a), (d), and (e) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), and (e) of this section shall be equal to one-half of the weight given to the component prescribed in division (D) (3) (b) of this section.

(ii) If the joint committee on agency rule review approves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, for the 2024-2025 school year, and each school year thereafter, the ~~state board's~~ department's method shall use the components in divisions (D) (3) (a), (b), (c), (d), (e), and (f) of this section to calculate the overall performance rating. The method shall give equal weight to the components in divisions (D) (3) (b) and (c) of this section. The method shall give equal weight to the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section. The individual weights of each of the components prescribed in divisions (D) (3) (a), (d), (e), and (f) of this section shall be equal to one-half the weight given to the component prescribed in division (D) (3) (b) of this section.

If the joint committee on agency rule review disapproves the department's rules regarding the college, career, workforce, and military readiness component as described in division (D) (3) (f) of this section, division (D) (3) (g) (ii) of this section does not apply.

(4) (a) The ~~state board~~ department shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the performance criteria, benchmarks, and rating system necessary to implement divisions (D) and (F) of this section,

including the method for the department to assign performance ratings under division (D) (3) of this section. 14899
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(b) In establishing the performance criteria, benchmarks, and rating system, the ~~state board~~ department shall consult with stakeholder groups and advocates that represent parents, community members, students, business leaders, and educators from different school typology regions. The ~~state board~~ department shall use data from prior school years and simulations to ensure that there is meaningful differentiation among districts and buildings across all performance ratings and that, except as permitted in division (D) (3) (f) of this section, more than half of all districts or buildings do not earn the same performance rating in any component or overall performance rating. 14901
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(c) The ~~state board~~ department shall adopt the rules prescribed by division (D) (4) of this section not later than March 31, 2022. However, the department shall notify districts and buildings of the changes to the report card prescribed in law not later than one week after the effective date of this amendment September 30, 2021. 14913
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(d) Prior to adopting or updating rules under division (D) (4) of this section, the ~~president~~ director of the state board of education and workforce and the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider primary and secondary education legislation describing the format for the report card and the performance criteria, benchmarks, and rating system, including the method to assign performance ratings under division (D) (3) of this section. 14919
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(E) ~~On or after July 1, 2015, the state board~~ The 14928

department may develop a measure of student academic progress 14929
for high school students using only data from assessments in 14930
English language arts and mathematics. If the ~~state board~~ 14931
department develops this measure, each school district and 14932
applicable school building shall be assigned a separate letter 14933
grade for it not sooner than the 2017-2018 school year. The 14934
district's or building's grade for that measure shall not be 14935
included in determining the district's or building's overall 14936
letter grade. 14937

(F) (1) The letter grades assigned to a school district or 14938
building under this section shall be as follows: 14939

(a) "A" for a district or school making excellent 14940
progress; 14941

(b) "B" for a district or school making above average 14942
progress; 14943

(c) "C" for a district or school making average progress; 14944

(d) "D" for a district or school making below average 14945
progress; 14946

(e) "F" for a district or school failing to meet minimum 14947
progress. 14948

(2) For the overall performance rating under division (D) 14949

(3) of this section, the department shall include a descriptor 14950
for each performance rating as follows: 14951

(a) "Significantly exceeds state standards" for a 14952
performance rating of five stars; 14953

(b) "Exceeds state standards" for a performance rating of 14954
four stars or four and one-half stars; 14955

- (c) "Meets state standards" for a performance rating of three stars or three and one-half stars; 14956
14957
- (d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars; 14958
14959
- (e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars. 14960
14961
- (3) For performance ratings for each component under divisions (D) (3) (a) to (f) of this section, the ~~state board-~~ department shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the ~~state board-~~ board department. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the ~~state board-~~ department shall include the descriptors in division (F) (2) of this section for component performance ratings. 14962
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- (4) Each report card issued under this section shall include all of the following: 14974
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- (a) A graphic that depicts the performance ratings of a district or school on a color scale. The color associated with a performance rating of three stars shall be green and the color associated with a performance rating of one star shall be red. 14976
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- (b) An arrow graphic that shows data trends for performance ratings for school districts or buildings. The ~~state board-~~ board department shall determine the data to be used for this graphic, which shall include at least the three most recent years of data. 14980
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(c) A description regarding the weights that are assigned to each component and used to determine an overall performance rating, as prescribed under division (D) (3) (g) of this section, which shall be included in the presentation of the overall performance rating on each report card.	14985 14986 14987 14988 14989
(G) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	14990 14991 14992
(1) Performance of students by grade-level;	14993
(2) Performance of students by race and ethnic group;	14994
(3) Performance of students by gender;	14995
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	14996 14997
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	14998 14999 15000
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	15001 15002
(7) Performance of students grouped by those who are economically disadvantaged;	15003 15004
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	15005 15006 15007
(9) Performance of students grouped by those who are classified as English learners;	15008 15009
(10) Performance of students grouped by those who have disabilities;	15010 15011

(11) Performance of students grouped by those who are 15012
classified as migrants; 15013

(12) Performance of students grouped by those who are 15014
identified as gifted in superior cognitive ability and the 15015
specific academic ability fields of reading and math pursuant to 15016
Chapter 3324. of the Revised Code. In disaggregating specific 15017
academic ability fields for gifted students, the department 15018
shall use data for those students with specific academic ability 15019
in math and reading. If any other academic field is assessed, 15020
the department shall also include data for students with 15021
specific academic ability in that field as well. 15022

(13) Performance of students grouped by those who perform 15023
in the lowest quintile for achievement on a statewide basis, as 15024
determined by a method prescribed by the ~~state board~~department. 15025

The department may disaggregate data on student 15026
performance according to other categories that the department 15027
determines are appropriate. To the extent possible, the 15028
department shall disaggregate data on student performance 15029
according to any combinations of two or more of the categories 15030
listed in divisions (G) (1) to (13) of this section that it deems 15031
relevant. 15032

In reporting data pursuant to division (G) of this 15033
section, the department shall not include in the report cards 15034
any data statistical in nature that is statistically unreliable 15035
or that could result in the identification of individual 15036
students. For this purpose, the department shall not report 15037
student performance data for any group identified in division 15038
(G) of this section that contains less than ten students. If the 15039
department does not report student performance data for a group 15040
because it contains less than ten students, the department shall 15041

indicate on the report card that is why data was not reported. 15042

(H) The department may include with the report cards any 15043
additional education and fiscal performance data it deems 15044
valuable. 15045

(I) The department shall include on each report card a 15046
list of additional information collected by the department that 15047
is available regarding the district or building for which the 15048
report card is issued. When available, such additional 15049
information shall include student mobility data disaggregated by 15050
race and socioeconomic status, college enrollment data, and the 15051
reports prepared under section 3302.031 of the Revised Code. 15052

The department shall maintain a site on the world wide 15053
web. The report card shall include the address of the site and 15054
shall specify that such additional information is available to 15055
the public at that site. The department shall also provide a 15056
copy of each item on the list to the superintendent of each 15057
school district. The district superintendent shall provide a 15058
copy of any item on the list to anyone who requests it. 15059

(J) (1) (a) Except as provided in division (J) (1) (b) of this 15060
section, for any district that sponsors a conversion community 15061
school under Chapter 3314. of the Revised Code, the department 15062
shall combine data regarding the academic performance of 15063
students enrolled in the community school with comparable data 15064
from the schools of the district for the purpose of determining 15065
the performance of the district as a whole on the report card 15066
issued for the district under this section or section 3302.033 15067
of the Revised Code. 15068

(b) The department shall not combine data from any 15069
conversion community school that a district sponsors if a 15070

majority of the students enrolled in the conversion community 15071
school are enrolled in a dropout prevention and recovery program 15072
that is operated by the school, as described in division (A) (4) 15073
(a) of section 3314.35 of the Revised Code. The department shall 15074
include as an addendum to the district's report card the ratings 15075
and performance measures that are required under section 15076
3314.017 of the Revised Code for any community school to which 15077
division (J) (1) (b) of this section applies. This addendum shall 15078
include, at a minimum, the data specified in divisions (C) (1) 15079
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 15080

(2) Any district that leases a building to a community 15081
school located in the district or that enters into an agreement 15082
with a community school located in the district whereby the 15083
district and the school endorse each other's programs may elect 15084
to have data regarding the academic performance of students 15085
enrolled in the community school combined with comparable data 15086
from the schools of the district for the purpose of determining 15087
the performance of the district as a whole on the district 15088
report card. Any district that so elects shall annually file a 15089
copy of the lease or agreement with the department. 15090

(3) Any municipal school district, as defined in section 15091
3311.71 of the Revised Code, that sponsors a community school 15092
located within the district's territory, or that enters into an 15093
agreement with a community school located within the district's 15094
territory whereby the district and the community school endorse 15095
each other's programs, may exercise either or both of the 15096
following elections: 15097

(a) To have data regarding the academic performance of 15098
students enrolled in that community school combined with 15099
comparable data from the schools of the district for the purpose 15100

of determining the performance of the district as a whole on the 15101
district's report card; 15102

(b) To have the number of students attending that 15103
community school noted separately on the district's report card. 15104

The election authorized under division (J) (3) (a) of this 15105
section is subject to approval by the governing authority of the 15106
community school. 15107

Any municipal school district that exercises an election 15108
to combine or include data under division (J) (3) of this 15109
section, by the first day of October of each year, shall file 15110
with the department documentation indicating eligibility for 15111
that election, as required by the department. 15112

(K) The department shall include on each report card the 15113
percentage of teachers in the district or building who are 15114
properly certified or licensed teachers, as defined in section 15115
3319.074 of the Revised Code, and a comparison of that 15116
percentage with the percentages of such teachers in similar 15117
districts and buildings. 15118

(L) (1) In calculating English language arts, mathematics, 15119
science, American history, or American government assessment 15120
passage rates used to determine school district or building 15121
performance under this section, the department shall include all 15122
students taking an assessment with accommodation or to whom an 15123
alternate assessment is administered pursuant to division (C) (1) 15124
or (3) of section 3301.0711 of the Revised Code and all students 15125
who take substitute examinations approved under division (B) (4) 15126
of section 3301.0712 of the Revised Code in the subject areas of 15127
science, American history and American government. 15128

(2) In calculating performance index scores, rates of 15129

achievement on the performance indicators established by the 15130
~~state board department~~ under section 3302.02 of the Revised 15131
Code, and annual measurable objectives for determining adequate 15132
yearly progress for school districts and buildings under this 15133
section, the department shall do all of the following: 15134

(a) Include for each district or building only those 15135
students who are included in the ADM certified for the first 15136
full school week of October and are continuously enrolled in the 15137
district or building through the time of the spring 15138
administration of any assessment prescribed by division (A) (1) 15139
or (B) (1) of section 3301.0710 or division (B) of section 15140
3301.0712 of the Revised Code that is administered to the 15141
student's grade level; 15142

(b) Include cumulative totals from both the fall and 15143
spring administrations of the third grade English language arts 15144
achievement assessment and, to the extent possible, the summer 15145
administration of that assessment; 15146

(c) Except as required by the No Child Left Behind Act of 15147
2001, exclude for each district or building any English learner 15148
who has been enrolled in United States schools for less than one 15149
full school year. 15150

(M) Beginning with the 2015-2016 school year and at least 15151
once every three years thereafter, the ~~state board of education~~ 15152
~~department~~ shall review and may adjust the benchmarks for 15153
assigning letter grades or performance ratings to the 15154
performance measures and components prescribed under divisions 15155
(C) (3), (D), and (E) of this section. 15156

Sec. 3302.031. In addition to the report cards required 15157
under section 3302.03 of the Revised Code, the department of 15158

education and workforce shall annually prepare the following 15159
reports for each school district and make a copy of each report 15160
available to the superintendent of each district: 15161

(A) A funding and expenditure accountability report which 15162
shall consist of the amount of state aid payments the school 15163
district will receive during the fiscal year under Chapter 3317. 15164
of the Revised Code and any other fiscal data the department 15165
determines is necessary to inform the public about the financial 15166
status of the district; 15167

(B) A school safety and discipline report which shall 15168
consist of statistical information regarding student safety and 15169
discipline in each school building, including the number of 15170
suspensions and expulsions disaggregated according to race and 15171
gender; 15172

(C) A student equity report which shall consist of at 15173
least a description of the status of teacher qualifications, 15174
library and media resources, textbooks, classroom materials and 15175
supplies, and technology resources for each district. To the 15176
extent possible, the information included in the report required 15177
under this division shall be disaggregated according to grade 15178
level, race, gender, disability, and scores attained on 15179
assessments required under sections 3301.0710 and 3301.0712 of 15180
the Revised Code. 15181

(D) A school enrollment report which shall consist of 15182
information about the composition of classes within each 15183
district by grade and subject disaggregated according to race, 15184
gender, and scores attained on assessments required under 15185
sections 3301.0710 and 3301.0712 of the Revised Code; 15186

(E) A student retention report which shall consist of the 15187

number of students retained in their respective grade levels in 15188
the district disaggregated by grade level, subject area, race, 15189
gender, and disability; 15190

(F) A school district performance report which shall 15191
describe for the district and each building within the district 15192
the extent to which the district or building meets each of the 15193
applicable performance indicators established under section 15194
3302.02 of the Revised Code, the number of performance 15195
indicators that have been achieved, and the performance index 15196
score. In calculating the rates of achievement on the 15197
performance indicators and the performance index scores for each 15198
report, the department shall exclude all students with 15199
disabilities. 15200

Sec. 3302.032. (A) ~~Not later than December 31, 2011, the~~ 15201
~~state board~~ The department of education and workforce shall 15202
establish a measure of the following: 15203

(1) Student success in meeting the benchmarks contained in 15204
the physical education standards adopted under division (A) (3) 15205
of section 3301.079 of the Revised Code; 15206

(2) Compliance with the requirements for local wellness 15207
policies prescribed by section 204 of the "Child Nutrition and 15208
WIC Reauthorization Act of 2004," 42 U.S.C. 1751 note; 15209

(3) Whether a school district or building has elected to 15210
administer the screenings authorized by sections 3313.674, 15211
3314.15, and 3326.26 of the Revised Code; 15212

(4) Whether a school district or building is participating 15213
in the physical activity pilot program administered under 15214
section 3313.6016 of the Revised Code. 15215

(B) The measure shall be included on the school district 15216

and building report cards issued under section 3302.03 of the Revised Code, beginning with the report cards issued for the 2012-2013 school year, but it shall not be a factor in the performance ratings issued under that section.

(C) The department ~~of education~~ may accept, receive, and expend gifts, devises, or bequests of money for the purpose of establishing the measure required by this section.

Sec. 3302.033. The ~~state board~~ department of education and workforce, in consultation with the chancellor of ~~the Ohio board of regents~~ higher education, any office within the office of the governor concerning workforce development, the Ohio association of career and technical education, the Ohio association of city career-technical schools, and the Ohio association of career-technical superintendents, shall approve a report card for joint vocational school districts and for other career-technical planning districts that are not joint vocational school districts, which may contain disaggregated data for each joint vocational school district, if applicable. The ~~state board~~ department shall submit details of the approved report card to the governor, the speaker of the house of representatives, the president of the senate, and the chairpersons of the standing committees of the house of representatives and the senate principally responsible for education policy. The department ~~of education~~ annually shall issue a report card for each joint vocational school district and other career-technical planning districts that are not joint vocational school districts, beginning with report cards for the 2012-2013 school year to be published not later than September 1, 2013.

As used in this section, "career-technical planning district" means a school district or group of school districts

designated by the department as being responsible for the 15247
planning for and provision of career-technical education 15248
services to students within the district or group. 15249

Sec. 3302.034. (A) ~~Not later than December 31, 2013, the~~ 15250
~~state board~~ The department of education and workforce shall 15251
adopt and specify measures in addition to those included on the 15252
report card issued under section 3302.03 of the Revised Code. 15253
The measures adopted under this section shall be reported 15254
separately, as specified under division (B) of this section, for 15255
each school district, each building in a district, each 15256
community school established under Chapter 3314., each STEM 15257
school established under Chapter 3326., and each college- 15258
preparatory boarding school established under Chapter 3328. of 15259
the Revised Code. The measures shall include at least the 15260
following: 15261

(1) Data for students who have passed over a grade or 15262
subject area under an acceleration policy prescribed under 15263
section 3324.10 of the Revised Code; 15264

(2) The number of students who are economically 15265
disadvantaged as determined by the department ~~of education~~; 15266

(3) The number of lead teachers employed by each district 15267
and each building once the data is available through the 15268
education management information system established under 15269
section 3301.0714 of the Revised Code; 15270

(4) The amount of students screened and identified as 15271
gifted under Chapter 3324. of the Revised Code; 15272

(5) Postgraduate student outcome data as described under 15273
division (E) (2) (d) (ii) of section 3314.017 of the Revised Code; 15274

(6) Availability of courses in fine arts; 15275

(7) Participation with other school districts to provide career-technical education services to students.	15276
	15277
(B) The department shall report this information annually beginning with the 2013-2014 school year and make this information available on its web site for comparison purposes.	15278
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	15280
Sec. 3302.035. (A) Not later than October 1, 2015, and not later than the first day of October each year thereafter, the department of education <u>and workforce</u> shall report for each school district, each community school established under Chapter 3314., each STEM school established under Chapter 3326., and each college-preparatory boarding school established under Chapter 3328. of the Revised Code, the following measures for students with disabilities enrolled in that school district or community, STEM, or college-preparatory boarding school:	15281
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	15289
(1) The value-added progress dimension score disaggregated for that subgroup, as determined by the department;	15290
	15291
(2) The performance index score for that subgroup, as defined under division (A) of section 3302.01 of the Revised Code;	15292
	15293
	15294
(3) The four- and five-year adjusted cohort graduation rates, as defined under divisions (G)(1) and (2) of section 3302.01 of the Revised Code, for that subgroup.	15295
	15296
	15297
(B) The department shall make each report completed pursuant to division (A) of this section available on its web site for comparison purposes.	15298
	15299
	15300
Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education <u>and workforce</u> shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district	15301
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or building for the 2014-2015, 2015-2016, or 2016-2017 school 15305
years, may, at the discretion of the ~~state board of education~~ 15306
department, not assign an individual grade to any component 15307
prescribed under division (C) (3) of section 3302.03 of the 15308
Revised Code, and shall not rank school districts, community 15309
schools established under Chapter 3314. of the Revised Code, or 15310
STEM schools established under Chapter 3326. of the Revised Code 15311
under section 3302.21 of the Revised Code for those school 15312
years. The report card ratings issued for the 2014-2015, 2015- 15313
2016, or 2016-2017 school years shall not be considered in 15314
determining whether a school district or a school is subject to 15315
sanctions or penalties. However, the report card ratings of any 15316
previous or subsequent years shall be considered in determining 15317
whether a school district or building is subject to sanctions or 15318
penalties. Accordingly, the report card ratings for the 2014- 15319
2015, 2015-2016, or 2016-2017 school years shall have no effect 15320
in determining sanctions or penalties, but shall not create a 15321
new starting point for determinations that are based on ratings 15322
over multiple years. 15323

(B) The provisions from which a district or school is 15324
exempt under division (A) of this section shall be the 15325
following: 15326

(1) Any restructuring provisions established under this 15327
chapter, except as required under the "No Child Left Behind Act 15328
of 2001"; 15329

(2) Provisions for the Columbus city school pilot project 15330
under section 3302.042 of the Revised Code; 15331

(3) Provisions for academic distress commissions under 15332
former section 3302.10 of the Revised Code as it existed prior 15333
to October 15, 2015. The provisions of this section do not apply 15334

to academic distress commissions under the version of that 15335
section as it exists on or after October 15, 2015. 15336

(4) Provisions prescribing new buildings where students 15337
are eligible for the educational choice scholarships under 15338
section 3310.03 of the Revised Code; 15339

(5) Provisions defining "challenged school districts" in 15340
which new start-up community schools were required to be 15341
located, as prescribed in section 3314.02 of the Revised Code as 15342
it existed prior to ~~the effective date of this amendment~~ 15343
September 30, 2021; 15344

(6) Provisions prescribing community school closure 15345
requirements under section 3314.35 or 3314.351 of the Revised 15346
Code. 15347

(C) Notwithstanding anything in the Revised Code to the 15348
contrary and except as provided in Section 3 of H.B. 7 of the 15349
131st general assembly, no school district, community school, or 15350
STEM school shall utilize at any time during a student's 15351
academic career a student's score on any assessment administered 15352
under division (A) of section 3301.0710 or division (B) (2) of 15353
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 15354
2016, or 2016-2017 school years as a factor in any decision to 15355
promote or to deny the student promotion to a higher grade level 15356
or in any decision to grant course credit. No individual student 15357
score reports on such assessments administered in the 2014-2015, 15358
2015-2016, or 2016-2017 school years shall be released, except 15359
to a student's school district or school or to the student or 15360
the student's parent or guardian. 15361

Sec. 3302.037. (A) Not more than thirty days after the 15362
department of education and workforce issues report cards under 15363

section 3302.03 of the Revised Code, each school district and 15364
school building shall do the following: 15365

(1) Notify parents that the report card has been released 15366
and how parents can access the report card. Notification may 15367
include mailed letters, emails, newsletters, or any other 15368
proactive notification method used by districts and buildings to 15369
contact parents. 15370

(2) Include a link to the report card on the district's or 15371
school's web site. 15372

(B) Each superintendent of a school district shall present 15373
the results of the district's report card to the school district 15374
board of education not later than thirty days after the report 15375
cards are issued under section 3302.03 of the Revised Code. 15376

Sec. 3302.038. Not later than December 31, 2024, the 15377
department of education and workforce shall issue a report 15378
regarding the effectiveness of the state report cards issued 15379
under section 3302.03 of the Revised Code. In preparing the 15380
report, the department shall study the data included in the 15381
state report cards issued for the 2021-2022, 2022-2023, and 15382
2023-2024 school years. Based on that study, the department 15383
shall include in the report any recommendations for changes or 15384
improvements to the state report card. 15385

The department shall submit the report to the speaker of 15386
the house of representatives, the president of the senate, and 15387
the chairpersons of the standing committees of the house of 15388
representatives and the senate that consider education 15389
legislation. 15390

Sec. 3302.039. (A) The state report card review committee 15391
is hereby established on July 1, 2023. 15392

- (B) The committee established under this section shall 15393
consist of the following members: 15394
- (1) Two members of the house of representatives, both of 15395
whom shall not be members of the same political party, appointed 15396
by the speaker of the house of representatives. The minority 15397
leader of the house of representatives may recommend to the 15398
speaker of the house of representatives a member of the minority 15399
leader's political party to serve on the committee. 15400
- (2) Two members of the senate, both of whom shall not be 15401
members of the same political party, appointed by the president 15402
of the senate. The minority leader of the senate may recommend 15403
to the president of the senate a member of the minority leader's 15404
political party to serve on the committee. 15405
- (3) The ~~superintendent~~ director of ~~public~~ 15406
~~instruction~~ education and workforce, or the ~~state~~ 15407
~~superintendent's~~ director's designee; 15408
- (4) The following members appointed by the ~~state~~ 15409
~~superintendent~~ director: 15410
- (a) A classroom teacher who provides instruction in an 15411
elementary school; 15412
- (b) A classroom teacher who provides instruction in a high 15413
school; 15414
- (c) An individual with experience in providing services to 15415
students identified as gifted in superior cognitive ability and 15416
specific academic ability fields under Chapter 3324. of the 15417
Revised Code; 15418
- (d) An individual with experience in providing special 15419
education or related services to children with disabilities 15420

under Chapter 3323. of the Revised Code;	15421
(e) An individual representing a chartered nonpublic school;	15422 15423
(f) A representative of the business community;	15424
(g) The parent of a child enrolled in any of grades kindergarten through twelve;	15425 15426
(h) A representative of community schools established under Chapter 3314. of the Revised Code;	15427 15428
(i) Two school district superintendents and one school principal. The state superintendent shall ensure that the representatives appointed under division (B) (4) (i) of this section represent urban, suburban, and rural school districts.	15429 15430 15431 15432
(5) The member of the house of representatives appointed under division (B) (1) of this section, who is of the majority party, and the member of the senate appointed under division (B) (2) of this section, who is of the majority party, shall serve as co-chairpersons of the committee.	15433 15434 15435 15436 15437
(C) The committee established under this section shall conduct a study of the state report cards issued under section 3302.03 of the Revised Code for the 2022-2023 school year and prior school years. Based on that study, the committee shall make recommendations for improvements, corrections, and clarifications to the state report card.	15438 15439 15440 15441 15442 15443
Not later than June 30, 2024, the chairpersons of the committee shall submit a report of its findings to the state board of education <u>director</u> and the chairpersons of the standing committees of the house of representatives and the senate that consider primary and secondary education legislation.	15444 15445 15446 15447 15448

~~Sec. 3302.04. As used in divisions (A), (C), and (D) of this section, for the 2014-2015 school year, and for each school year thereafter, when a provision refers to a school district or school building in a state of academic emergency, it shall mean a district or building rated "F"; when a provision refers to a school district or school building under an academic watch, it shall mean a district or building rated "D"; and when a provision refers to a school district or school building in need of continuous improvement, it shall mean a district or building rated "C" as those letter grade ratings for overall performance are assigned under division (C) (3) of section 3302.03 of the Revised Code, as it exists on or after March 22, 2013.~~

(A) The department of education and workforce shall establish a system of intensive, ongoing support for the improvement of school districts and school buildings. In accordance with the model of differentiated accountability described in section 3302.041 of the Revised Code, the system shall give priority to ~~the following:~~

~~(1) For any school year prior to the 2012-2013 school year, districts and buildings that have been declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code;~~

~~(2) For the 2012-2013 school year, and for each school year thereafter,~~ districts and buildings in the manner prescribed by any agreement currently in force between the department of education and workforce and the United States department of education. The department of education and workforce shall endeavor to include schools and buildings that receive grades or performance ratings under section 3302.03 of the Revised Code that the department considers to be low

performing. 15479

The system shall include services provided to districts 15480
and buildings through regional service providers, such as 15481
educational service centers. The system may include the 15482
appointment of an improvement coordinator for any of the lowest 15483
performing districts, as determined by the department of 15484
education and workforce, to coordinate the district's academic 15485
improvement efforts and to build support among the community for 15486
those efforts. 15487

~~(B) This division does not apply to any school district 15488
after June 30, 2008. 15489~~

~~When a school district has been notified by the department 15490
pursuant to section 3302.03 of the Revised Code that the 15491
district or a building within the district has failed to make 15492
adequate yearly progress for two consecutive school years, the 15493
district shall develop a three year continuous improvement plan 15494
for the district or building containing each of the following: 15495~~

~~(1) An analysis of the reasons for the failure of the 15496
district or building to meet any of the applicable performance 15497
indicators established under section 3302.02 of the Revised Code 15498
that it did not meet and an analysis of the reasons for its 15499
failure to make adequate yearly progress; 15500~~

~~(2) Specific strategies that the district or building will 15501
use to address the problems in academic achievement identified 15502
in division (B) (1) of this section; 15503~~

~~(3) Identification of the resources that the district will 15504
allocate toward improving the academic achievement of the 15505
district or building; 15506~~

~~(4) A description of any progress that the district or 15507~~

~~building made in the preceding year toward improving its
academic achievement;—~~ 15508
15509

~~(5) An analysis of how the district is utilizing the
professional development standards adopted by the state board
pursuant to section 3319.61 of the Revised Code;—~~ 15510
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~~(6) Strategies that the district or building will use to
improve the cultural competency, as defined pursuant to section
3319.61 of the Revised Code, of teachers and other educators.—~~ 15513
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~~No three year continuous improvement plan shall be
developed or adopted pursuant to this division unless at least
one public hearing is held within the affected school district
or building concerning the final draft of the plan. Notice of
the hearing shall be given two weeks prior to the hearing by
publication in one newspaper of general circulation within the
territory of the affected school district or building. Copies of
the plan shall be made available to the public.—~~ 15516
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~~(C) (1) For any school year prior to the school year that
begins on July 1, 2012, when a school district or building has
been notified by the department pursuant to section 3302.03 of
the Revised Code that the district or building is under an
academic watch or in a state of academic emergency, the district
or building shall be subject to any rules establishing
intervention in academic watch or emergency school districts or
buildings.—~~ 15524
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~~(2) For the 2012-2013 school year, and for each school
year thereafter, a A district or building that meets the
conditions for intervention prescribed by the agreement
described in division ~~(A) (2)~~ (A) of this section shall be
subject to any rules establishing such intervention.~~ 15532
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~~(D) (1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.~~ 15537
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~~(2) For the 2012-2013 school year, and for each school year thereafter, the~~ 15542
(C) The department of education and 15543
workforce may initiate a site evaluation of a building or school 15544
district that meets the conditions for a site evaluation 15545
prescribed by the agreement described in division ~~(A) (2)~~ (A) of 15546
this section. 15547

~~(3) Division (D) (3) of this section does not apply to any school district after June 30, 2008.~~ 15548
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~~If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.~~ 15550
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~~(4) Division (D) (4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D) (1), (2), and (3) of this section shall~~ 15564
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~~include, but not be limited to, the following:—~~ 15567

~~(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;—~~ 15568
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~~(b) Determining pupil-teacher ratios;—~~ 15570

~~(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;—~~ 15571
15572

~~(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;—~~ 15573
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~~(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;—~~ 15576
15577
15578

~~(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.—~~ 15579
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~~(E)—(D)~~ This division applies only to school districts 15582
that operate a school building that fails to make adequate 15583
yearly progress for two or more consecutive school years. It 15584
does not apply to any such district after June 30, 2008, except 15585
as provided in division (D)(2) of section 3313.97 of the Revised 15586
Code. 15587

(1) For any school building that fails to make adequate 15588
yearly progress for two consecutive school years, the district 15589
shall do all of the following: 15590

(a) Provide written notification of the academic issues 15591
that resulted in the building's failure to make adequate yearly 15592
progress to the parent or guardian of each student enrolled in 15593
the building. The notification shall also describe the actions 15594

being taken by the district or building to improve the academic 15595
performance of the building and any progress achieved toward 15596
that goal in the immediately preceding school year. 15597

(b) If the building receives funds under Title I, Part A 15598
of the "Elementary and Secondary Education Act of 1965," 20 15599
U.S.C. 6311 to 6339, from the district, in accordance with 15600
section 3313.97 of the Revised Code, offer all students enrolled 15601
in the building the opportunity to enroll in an alternative 15602
building within the district that is not in school improvement 15603
status as defined by the "No Child Left Behind Act of 2001." 15604
Notwithstanding Chapter 3327. of the Revised Code, the district 15605
shall spend an amount equal to twenty per cent of the funds it 15606
receives under Title I, Part A of the "Elementary and Secondary 15607
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 15608
transportation for students who enroll in alternative buildings 15609
under this division, unless the district can satisfy all demand 15610
for transportation with a lesser amount. If an amount equal to 15611
twenty per cent of the funds the district receives under Title 15612
I, Part A of the "Elementary and Secondary Education Act of 15613
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 15614
demand for transportation, the district shall grant priority 15615
over all other students to the lowest achieving students among 15616
the subgroup described in division (B) (3) of section 3302.01 of 15617
the Revised Code in providing transportation. Any district that 15618
does not receive funds under Title I, Part A of the "Elementary 15619
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 15620
shall not be required to provide transportation to any student 15621
who enrolls in an alternative building under this division. 15622

(2) For any school building that fails to make adequate 15623
yearly progress for three consecutive school years, the district 15624
shall do both of the following: 15625

(a) If the building receives funds under Title I, Part A 15626
of the "Elementary and Secondary Education Act of 1965," 20 15627
U.S.C. 6311 to 6339, from the district, in accordance with 15628
section 3313.97 of the Revised Code, provide all students 15629
enrolled in the building the opportunity to enroll in an 15630
alternative building within the district that is not in school 15631
improvement status as defined by the "No Child Left Behind Act 15632
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 15633
district shall provide transportation for students who enroll in 15634
alternative buildings under this division to the extent required 15635
under division ~~(E) (2)~~ (D) (2) of this section. 15636

(b) If the building receives funds under Title I, Part A 15637
of the "Elementary and Secondary Education Act of 1965," 20 15638
U.S.C. 6311 to 6339, from the district, offer supplemental 15639
educational services to students who are enrolled in the 15640
building and who are in the subgroup described in division (B) 15641
(3) of section 3302.01 of the Revised Code. 15642

The district shall spend a combined total of an amount 15643
equal to twenty per cent of the funds it receives under Title I, 15644
Part A of the "Elementary and Secondary Education Act of 1965," 15645
20 U.S.C. 6311 to 6339, to provide transportation for students 15646
who enroll in alternative buildings under division ~~(E) (1) (b)~~ (D) 15647
(1) (b) or ~~(E) (2) (a)~~ (D) (2) (a) of this section and to pay the 15648
costs of the supplemental educational services provided to 15649
students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, 15650
unless the district can satisfy all demand for transportation 15651
and pay the costs of supplemental educational services for those 15652
students who request them with a lesser amount. In allocating 15653
funds between the requirements of divisions ~~(E) (1) (b)~~ (D) (1) (b) 15654
and ~~(E) (2) (a)~~ (D) (2) (a) and (b) of this section, the district 15655
shall spend at least an amount equal to five per cent of the 15656

funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division ~~(E) (1) (b)~~ (D) (1) (b) or ~~(E) (2) (a)~~ (D) (2) (a) of this section, unless the district can satisfy all demand for transportation with a lesser amount, and at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions ~~(E) (1) (b)~~ (D) (1) (b) and ~~(E) (2) (a)~~ (D) (2) (a) of this section and to pay the costs of all of the supplemental educational services provided to students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B) (3) of section 3302.01 of the Revised Code.

Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under division ~~(E) (2) (a)~~ (D) (2) (a) of this section or to pay the costs of supplemental educational services provided

to any student under division ~~(E)(2)(b)~~ (D)(2)(b) of this 15688
section. 15689

No student who enrolls in an alternative building under 15690
division ~~(E)(2)(a)~~ (D)(2)(a) of this section shall be eligible 15691
for supplemental educational services under division ~~(E)(2)(b)~~ 15692
(D)(2)(b) of this section. 15693

(3) For any school building that fails to make adequate 15694
yearly progress for four consecutive school years, the district 15695
shall continue to comply with division ~~(E)(2)~~ (D)(2) of this 15696
section and shall implement at least one of the following 15697
options with respect to the building: 15698

(a) Institute a new curriculum that is consistent with the 15699
statewide academic standards adopted pursuant to division (A) of 15700
section 3301.079 of the Revised Code; 15701

(b) Decrease the degree of authority the building has to 15702
manage its internal operations; 15703

(c) Appoint an outside expert to make recommendations for 15704
improving the academic performance of the building. The district 15705
may request the department to establish a state intervention 15706
team for this purpose pursuant to division ~~(G)~~ (E) of this 15707
section. 15708

(d) Extend the length of the school day or year; 15709

(e) Replace the building principal or other key personnel; 15710

(f) Reorganize the administrative structure of the 15711
building. 15712

(4) For any school building that fails to make adequate 15713
yearly progress for five consecutive school years, the district 15714
shall continue to comply with division ~~(E)(2)~~ (D)(2) of this 15715

section and shall develop a plan during the next succeeding 15716
school year to improve the academic performance of the building, 15717
which shall include at least one of the following options: 15718

(a) Reopen the school as a community school under Chapter 15719
3314. of the Revised Code; 15720

(b) Replace personnel; 15721

(c) Contract with a nonprofit or for-profit entity to 15722
operate the building; 15723

(d) Turn operation of the building over to the department; 15724

(e) Other significant restructuring of the building's 15725
governance. 15726

(5) For any school building that fails to make adequate 15727
yearly progress for six consecutive school years, the district 15728
shall continue to comply with division ~~(E) (2)~~ (D) (2) of this 15729
section and shall implement the plan developed pursuant to 15730
division ~~(E) (4)~~ (D) (4) of this section. 15731

(6) A district shall continue to comply with division ~~(E)~~ 15732
~~(1) (b)~~ (D) (1) (b) or ~~(E) (2)~~ (D) (2) of this section, whichever was 15733
most recently applicable, with respect to any building formerly 15734
subject to one of those divisions until the building makes 15735
adequate yearly progress for two consecutive school years. 15736

~~(F) This division applies only to school districts that~~ 15737
~~have been identified for improvement by the department pursuant~~ 15738
~~to the "No Child Left Behind Act of 2001." It does not apply to~~ 15739
~~any such district after June 30, 2008.~~ 15740

~~(1) If a school district has been identified for~~ 15741
~~improvement for one school year, the district shall provide a~~ 15742
~~written description of the continuous improvement plan developed~~ 15743

~~by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.~~ 15744
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~~(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F) (1) of this section.~~ 15751
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~~(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:~~ 15756
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~~(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;~~ 15760
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~~(b) Direct the district to replace key district personnel;~~ 15763

~~(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;~~ 15764
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~~(d) Establish alternative forms of governance for individual school buildings within the district;~~ 15767
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~~(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.~~ 15769
15770

~~The department shall conduct individual audits of a~~ 15771

~~sampling of districts subject to this division to determine~~ 15772
~~compliance with the corrective actions taken by the department.~~ 15773

~~(4) If a school district has been identified for~~ 15774
~~improvement for four consecutive school years, the department~~ 15775
~~shall continue to monitor implementation of the corrective~~ 15776
~~action taken under division (F) (3) of this section with respect~~ 15777
~~to the district.~~ 15778

~~(5) If a school district has been identified for~~ 15779
~~improvement for five consecutive school years, the department~~ 15780
~~shall take at least one of the corrective actions identified in~~ 15781
~~division (F) (3) of this section with respect to the district,~~ 15782
~~provided that the corrective action the department takes is~~ 15783
~~different from the corrective action previously taken under~~ 15784
~~division (F) (3) of this section with respect to the district.~~ 15785

~~(G)~~ (E) The department may establish a state intervention 15786
team to evaluate all aspects of a school district or building, 15787
including management, curriculum, instructional methods, 15788
resource allocation, and scheduling. Any such intervention team 15789
shall be appointed by the department and shall include teachers 15790
and administrators recognized as outstanding in their fields. 15791
The intervention team shall make recommendations regarding 15792
methods for improving the performance of the district or 15793
building. 15794

The department shall not approve a district's request for 15795
an intervention team under division ~~(E) (3)~~ (D) (3) of this 15796
section if the department cannot adequately fund the work of the 15797
team, unless the district agrees to pay for the expenses of the 15798
team. 15799

~~(H)~~ (F) The department shall conduct individual audits of 15800

a sampling of community schools established under Chapter 3314. 15801
of the Revised Code to determine compliance with this section. 15802

~~(I)~~ (G) A school district in which the pilot project 15803
scholarship program is operating under sections 3313.974 to 15804
3313.979 of the Revised Code shall report the use of funding for 15805
tutorial assistance grants under that program in the district's 15806
three-year continuous improvement plan under this section in a 15807
manner approved by the department. 15808

~~(J)~~ (H) ~~The state board department of education and~~ 15809
workforce shall adopt rules for implementing this section. 15810

Sec. 3302.041. Beginning July 1, 2008, and contingent upon 15811
continued approval by the United States department of education, 15812
each school district that has been identified for improvement, 15813
or that contains a school building that has been identified for 15814
improvement, shall implement all corrective actions required by 15815
the model of differentiated accountability developed by the Ohio 15816
department of education and workforce and approved by the United 15817
States department of education. In any school year in which a 15818
district is subject to this division, the Ohio department of 15819
education and workforce shall notify the district, prior to the 15820
district's opening date, of the corrective actions it is 15821
required to implement in that school year. 15822

Sec. 3302.042. (A) This section shall operate as a pilot 15823
project that applies to any school that has been ranked 15824
according to performance index score under section 3302.21 of 15825
the Revised Code in the lowest five per cent of all public 15826
school buildings statewide for three or more consecutive school 15827
years and is operated by the Columbus city school district. The 15828
pilot project shall commence once the department of education_ 15829
and workforce establishes implementation guidelines for the 15830

pilot project in consultation with the Columbus city school district. 15831
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(B) Except as provided in division (D), (E), or (F) of this section, if the parents or guardians of at least fifty per cent of the students enrolled in a school to which this section applies, or if the parents or guardians of at least fifty per cent of the total number of students enrolled in that school and the schools of lower grade levels whose students typically matriculate into that school, by the thirty-first day of December of any school year in which the school is subject to this section, sign and file with the school district treasurer a petition requesting the district board of education to implement one of the following reforms in the school, and if the validity and sufficiency of the petition is certified in accordance with division (C) of this section, the board shall implement the requested reform in the next school year: 15833
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(1) Reopen the school as a community school under Chapter 3314. of the Revised Code; 15847
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(2) Replace at least seventy per cent of the school's personnel who are related to the school's poor academic performance or, at the request of the petitioners, retain not more than thirty per cent of the personnel; 15849
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(3) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 15853
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(4) Turn operation of the school over to the department; 15856

(5) Any other major restructuring of the school that makes fundamental reforms in the school's staffing or governance. 15857
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(C) Not later than thirty days after receipt of a petition 15859

under division (B) of this section, the district treasurer shall 15860
verify the validity and sufficiency of the signatures on the 15861
petition and certify to the district board whether the petition 15862
contains the necessary number of valid signatures to require the 15863
board to implement the reform requested by the petitioners. If 15864
the treasurer certifies to the district board that the petition 15865
does not contain the necessary number of valid signatures, any 15866
person who signed the petition may file an appeal with the 15867
county auditor within ten days after the certification. Not 15868
later than thirty days after the filing of an appeal, the county 15869
auditor shall conduct an independent verification of the 15870
validity and sufficiency of the signatures on the petition and 15871
certify to the district board whether the petition contains the 15872
necessary number of valid signatures to require the board to 15873
implement the requested reform. If the treasurer or county 15874
auditor certifies that the petition contains the necessary 15875
number of valid signatures, the district board shall notify the 15876
~~superintendent of public instruction and the state board of~~ 15877
~~education department~~ of the certification. 15878

(D) The district board shall not implement the reform 15879
requested by the petitioners in any of the following 15880
circumstances: 15881

(1) The district board has determined that the request is 15882
for reasons other than improving student academic achievement or 15883
student safety. 15884

(2) The ~~state superintendent department~~ has determined 15885
that implementation of the requested reform would not comply 15886
with the model of differentiated accountability described in 15887
section 3302.041 of the Revised Code. 15888

(3) The petitioners have requested the district board to 15889

implement the reform described in division (B) (4) of this 15890
section and the department has not agreed to take over the 15891
school's operation. 15892

(4) When all of the following have occurred: 15893

(a) After a public hearing on the matter, the district 15894
board issued a written statement explaining the reasons that it 15895
is unable to implement the requested reform and agreeing to 15896
implement one of the other reforms described in division (B) of 15897
this section. 15898

(b) The district board submitted its written statement to 15899
the ~~state superintendent and the state board~~ department along 15900
with evidence showing how the alternative reform the district 15901
board has agreed to implement will enable the school to improve 15902
its academic performance. 15903

(c) ~~Both the state superintendent and the state board have~~ 15904
The department has approved implementation of the alternative 15905
reform. 15906

(E) If the provisions of this section conflict in any way 15907
with the requirements of federal law, federal law shall prevail 15908
over the provisions of this section. 15909

(F) If a school is restructured under this section, 15910
section 3302.10 or 3302.12 of the Revised Code, or federal law, 15911
the school shall not be required to restructure again under 15912
state law for three consecutive years after the implementation 15913
of that prior restructuring. 15914

(G) Beginning not later than six months after the first 15915
petition under this section has been resolved, the department ~~of~~ 15916
~~education~~ shall annually evaluate the pilot program and submit a 15917
report to the general assembly under section 101.68 of the 15918

Revised Code. Such reports shall contain its recommendations to 15919
the general assembly with respect to the continuation of the 15920
pilot program, its expansion to other school districts, or the 15921
enactment of further legislation establishing the program 15922
statewide under permanent law. 15923

Sec. 3302.043. (A) As used in this section, "eligible 15924
district" means a city school district to which both of the 15925
following apply: 15926

(1) The district has persistently low performance ratings, 15927
as determined by the department of education and workforce, 15928
under section 3302.03 of the Revised Code. 15929

(2) The district is not subject to an academic distress 15930
commission under section 3302.10 of the Revised Code. 15931

(B) The department shall establish the career promise 15932
academy summer demonstration pilot program. Under the pilot 15933
program, which shall operate in the 2021-2022 and 2022-2023 15934
school years, the department shall solicit proposals from 15935
eligible districts to establish and operate a career promise 15936
academy during the summer to provide students entering ninth 15937
grade with intensive literacy instruction, internship or 15938
mentoring experiences, and instruction regarding academic 15939
preparedness skills, life skills, and financial literacy. The 15940
department shall approve one proposal based on the criteria 15941
prescribed under division (C) of this section. The department 15942
shall award a grant to the eligible district with an approved 15943
proposal. 15944

(C) The department shall adopt criteria under which to 15945
approve a proposal for a career promise academy, which shall 15946
include all of the following: 15947

(1) A requirement that the career promise academy operate	15948
as follows:	15949
(a) For four consecutive weeks in the summer of 2021;	15950
(b) For five consecutive weeks in the summer of 2022.	15951
(2) A requirement that not more than seventy-five students	15952
participate in the career promise academy in one summer;	15953
(3) A requirement for the eligible district to submit to	15954
the department, in a form and manner prescribed by the	15955
department, any data that the department and district jointly	15956
determine is necessary to evaluate the pilot program;	15957
(4) A method to determine student eligibility to	15958
participate in the career promise academy. The method shall	15959
identify students entering ninth grade who are at risk of not	15960
qualifying for a high school diploma based on the student's	15961
scores on the English language arts and mathematics assessments	15962
prescribed under division (A) (1) (f) of section 3301.0710 of the	15963
Revised Code and other academic or social-emotional factors.	15964
(5) A description of the instruction and internship or	15965
mentoring experiences that participating students will receive;	15966
(6) An agreement with the district's business advisory	15967
council established under section 3313.82 of the Revised Code	15968
and other organizations or businesses to identify or provide	15969
internship and mentoring experiences to participating students;	15970
(7) An agreement with at least one institution of higher	15971
education to identify and engage with prospective teachers to	15972
serve as mentors and academic coaches to participating students.	15973
(D) The department shall adopt guidelines and procedures	15974
to operate the pilot program established under this section.	15975

Sec. 3302.05. The ~~state board~~ department of education and workforce shall adopt rules freeing school districts from specified state mandates if one of the following applies:

(A) For the 2011-2012 school year, the school district was declared to be excellent under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013, and had above expected growth in the overall value-added measure.

(B) For the 2012-2013 school year, the school district received a grade of "A" for the number of performance indicators met under division (A) (1) (c) of section 3302.03 of the Revised Code and for the value-added dimension under division (A) (1) (e) of section 3302.03 of the Revised Code.

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, the school district received a grade of "A" for the number of performance indicators met under division (B) (1) (c) of section 3302.03 of the Revised Code and for the value-added dimension under division (B) (1) (e) of section 3302.03 of the Revised Code.

(D) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, or 2020-2021 school year, the school district received an overall grade of "A" under division (C) (3) of section 3302.03 of the Revised Code.

~~(F)~~ (E) For the 2021-2022 school year and for each school year thereafter, the school district received an overall performance rating of five stars under division (D) (3) of section 3302.03 of the Revised Code.

Any mandates included in the rules shall be only those statutes or rules pertaining to state education requirements. The rules shall not exempt districts from any operating standard

adopted under division (D) (3) of section 3301.07 of the Revised Code. 16005
16006

Sec. 3302.06. (A) Any school of a city, exempted village, 16007
or local school district may apply to the district board of 16008
education to be designated as an innovation school. Each 16009
application shall include an innovation plan that contains the 16010
following: 16011

(1) A statement of the school's mission and an explanation 16012
of how the designation would enhance the school's ability to 16013
fulfill its mission; 16014

(2) A description of the innovations the school would 16015
implement; 16016

(3) An explanation of how implementation of the 16017
innovations described in division (A) (2) of this section would 16018
affect the school's programs and policies, including any of the 16019
following that apply: 16020

(a) The school's educational program; 16021

(b) The length of the school day and the school year; 16022

(c) The school's student promotion policy; 16023

(d) The school's plan for the assessment of students; 16024

(e) The school's budget; 16025

(f) The school's staffing levels. 16026

(4) A description of the improvements in student academic 16027
performance that the school expects to achieve by implementing 16028
the innovations described in division (A) (2) of this section; 16029

(5) An estimate of the cost savings and increased 16030
efficiencies, if any, that the school expects to achieve by 16031

implementing the innovations described in division (A) (2) of 16032
this section; 16033

(6) A description of any laws in Title XXXIII of the 16034
Revised Code, rules adopted by the ~~state board~~ department of 16035
education and workforce, or requirements enacted by the district 16036
board that would need to be waived to implement the innovations 16037
described in division (A) (2) of this section; 16038

(7) A description of any provisions of a collective 16039
bargaining agreement covering personnel of the school that would 16040
need to be waived to implement the innovations described in 16041
division (A) (2) of this section; 16042

(8) Evidence that a majority of the administrators 16043
assigned to the school and a majority of the teachers assigned 16044
to the school consent to seeking the designation and a statement 16045
of the level of support for seeking the designation demonstrated 16046
by other staff working in the school, students enrolled in the 16047
school and their parents, and members of the community in which 16048
the school is located. 16049

(B) Two or more schools of the district may apply to the 16050
district board to be designated as an innovation school zone, if 16051
the schools share common interests based on factors such as 16052
geographical proximity or similar educational programs or if the 16053
schools serve the same classes of students as they advance to 16054
higher grade levels. Each application shall include an 16055
innovation plan that contains the information prescribed by 16056
divisions (A) (1) to (8) of this section for each participating 16057
school and the following additional information: 16058

(1) A description of how innovations in the participating 16059
schools would be integrated to achieve results that would be 16060

less likely to be achieved by each participating school alone; 16061

(2) An estimate of any economies of scale that would be 16062
realized by implementing innovations jointly. 16063

Sec. 3302.062. (A) If a school district board of education 16064
approves an application under division (B) (1) of section 16065
3302.061 of the Revised Code or designates an innovation school 16066
or innovation school zone under division (D) of that section, 16067
the district board shall apply to the ~~state board~~ department of 16068
education and workforce for designation as a school district of 16069
innovation by submitting to the ~~state board~~ department the 16070
innovation plan included in the approved application or created 16071
by the district board. 16072

Within sixty days after receipt of the application, the 16073
~~state board~~ department shall designate the district as a school 16074
district of innovation, unless the ~~state board~~ department 16075
determines that the submitted innovation plan is not financially 16076
feasible or will likely result in decreased academic 16077
achievement. If the ~~state board~~ department so determines, it 16078
shall provide a written explanation of the basis for its 16079
determination to the district board. If the district is not 16080
designated as a school district of innovation, the district 16081
board shall not implement the innovation plan. However, the 16082
district board may reapply for designation as a school district 16083
of innovation at any time. 16084

(B) A district board may request the ~~state board~~ 16085
department to make a preliminary review of an innovation plan 16086
prior to the district board's formal application for designation 16087
as a school district of innovation. In that case, the ~~state~~ 16088
~~board~~ department shall review the innovation plan and, within 16089
sixty days after the request, recommend to the district board 16090

any changes or additions that the ~~state board department~~ 16091
believes will improve the plan, which may include further 16092
innovations or measures to increase the likelihood that the 16093
innovations will result in higher academic achievement. The 16094
district board may revise the innovation plan prior to making 16095
formal application for designation as a school district of 16096
innovation. 16097

Sec. 3302.063. (A) Except as provided in division (B) of 16098
this section, upon designation of a school district of 16099
innovation under section 3302.062 of the Revised Code, the ~~state-~~ 16100
~~board department~~ of education and workforce shall waive any laws 16101
in Title XXXVIII of the Revised Code or rules adopted by the 16102
~~state board department~~ that are specified in the innovation plan 16103
submitted by the district board of education as needing to be 16104
waived to implement the plan. The waiver shall apply only to the 16105
school or schools participating in the innovation plan and shall 16106
not apply to the district as a whole, unless each of the 16107
district's schools is a participating school. The waiver shall 16108
cease to apply to a school if the school's designation as an 16109
innovation school is revoked or the innovation school zone in 16110
which the school participates has its designation revoked under 16111
section 3302.065 of the Revised Code, or if the school is 16112
removed from an innovation school zone under that section or 16113
section 3302.064 of the Revised Code. 16114

(B) The ~~state board department~~ shall not waive any law or 16115
rule regarding the following: 16116

(1) Funding for school districts under Chapter 3317. of 16117
the Revised Code; 16118

(2) The requirements of Chapters 3323. and 3324. of the 16119
Revised Code for the provision of services to students with 16120

disabilities and gifted students;	16121
(3) Requirements related to the provision of career-technical education that are necessary to comply with federal law or maintenance of effort provisions;	16122 16123 16124
(4) Administration of the assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;	16125 16126 16127
(5) Requirements related to the issuance of report cards and the assignment of performance ratings under section 3302.03 of the Revised Code;	16128 16129 16130
(6) Implementation of the model of differentiated accountability under section 3302.041 of the Revised Code;	16131 16132
(7) Requirements for the reporting of data to the department of education <u>and workforce</u> ;	16133 16134
(8) Criminal records checks of school employees;	16135
(9) The requirements of Chapters 3307. and 3309. regarding the retirement systems for teachers and school employees.	16136 16137
(C) If a district board's revisions to an innovation plan under section 3302.066 of the Revised Code require a waiver of additional laws or state board <u>department</u> rules, the state board <u>department</u> shall grant a waiver from those laws or rules upon evidence that administrators and teachers have consented to the revisions as required by that section.	16138 16139 16140 16141 16142 16143
Sec. 3302.066. A school district board of education may revise an innovation plan approved or created under section 3302.061 of the Revised Code, in collaboration with the school or schools participating in the plan, to further improve student academic performance. The revisions may include identifying	16144 16145 16146 16147 16148

additional laws in Title XXXIII of the Revised Code, rules 16149
adopted by the ~~state board~~ department of education and 16150
workforce, requirements enacted by the district board, or 16151
provisions of a collective bargaining agreement that need to be 16152
waived. Any revisions to an innovation plan shall require the 16153
consent, in each school participating in the plan, of a majority 16154
of the administrators assigned to that school and a majority of 16155
the teachers assigned to that school. 16156

Sec. 3302.068. Not later than the first day of July each 16157
year, the department of education and workforce shall issue, and 16158
post on its web site, a report on school districts of 16159
innovation. The report shall include the following information: 16160

(A) The number of districts designated as school districts 16161
of innovation in the preceding school year and the total number 16162
of school districts of innovation statewide; 16163

(B) The number of innovation schools in each school 16164
district of innovation and the number of district students 16165
served by the schools, expressed as a total number and as a 16166
percentage of the district's total student population; 16167

(C) The number of innovation school zones in each school 16168
district of innovation, the number of schools participating in 16169
each zone, and the number of district students served by the 16170
participating schools, expressed as a total number and as a 16171
percentage of the district's total student population; 16172

(D) An overview of the innovations implemented in 16173
innovation schools and innovation school zones; 16174

(E) Data on the academic performance of the students 16175
enrolled in an innovation school or an innovation school zone in 16176
each school district of innovation, including a comparison of 16177

the students' academic performance before and after the 16178
district's designation as a school district of innovation; 16179

(F) Recommendations for legislative changes based on the 16180
innovations implemented or to enhance the ability of schools and 16181
districts to implement innovations. 16182

Sec. 3302.07. (A) The board of education of any school 16183
district, the governing board of any educational service center, 16184
or the administrative authority of any chartered nonpublic 16185
school may submit to the ~~state board~~ department of education and 16186
workforce an application proposing an innovative education pilot 16187
program the implementation of which requires exemptions from 16188
specific statutory provisions or rules. If a district or service 16189
center board employs teachers under a collective bargaining 16190
agreement adopted pursuant to Chapter 4117. of the Revised Code, 16191
any application submitted under this division shall include the 16192
written consent of the teachers' employee representative 16193
designated under division (B) of section 4117.04 of the Revised 16194
Code. The exemptions requested in the application shall be 16195
limited to any requirement of Title XXXIII of the Revised Code 16196
or of any rule of the ~~state board~~ department adopted pursuant to 16197
that title except that the application may not propose an 16198
exemption from any requirement of or rule adopted pursuant to 16199
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 16200
3323. of the Revised Code. Furthermore, an exemption from any 16201
operating standard adopted under division (B) (2) or (D) of 16202
section 3301.07 of the Revised Code shall be granted only 16203
pursuant to a waiver granted by the ~~superintendent of public~~ 16204
~~instruction~~ director of education and workforce under division 16205
(O) of that section. 16206

(B) The ~~state board of education~~ department shall accept 16207

any application submitted in accordance with division (A) of 16208
this section. The ~~superintendent of public instruction~~ director 16209
shall approve or disapprove the application in accordance with 16210
standards for approval, which shall be adopted by the ~~state~~ 16211
~~board~~ department. 16212

(C) The ~~superintendent of public instruction~~ director 16213
shall exempt each district or service center board or chartered 16214
nonpublic school administrative authority with an application 16215
approved under division (B) of this section for a specified 16216
period from the statutory provisions or rules specified in the 16217
approved application. The period of exemption shall not exceed 16218
the period during which the pilot program proposed in the 16219
application is being implemented and a reasonable period to 16220
allow for evaluation of the effectiveness of the program. 16221

Sec. 3302.09. (A) Whenever the United States department of 16222
education makes changes in its policies or rules regarding 16223
implementation of the No Child Left Behind Act of 2001, the Ohio 16224
department of education and workforce shall submit a written 16225
description of those changes to each member of the standing 16226
committees on education of the senate and house of 16227
representatives. 16228

(B) If the Ohio department of education and workforce 16229
plans to change any of its policies or procedures regarding the 16230
state's implementation of the No Child Left Behind Act of 2001 16231
based on changes in federal polices or rules described in 16232
division (A) of this section, the Ohio department of education_ 16233
and workforce shall submit to each member of the standing 16234
committees a written outline of the existing Ohio policy 16235
regarding that implementation and a written description of the 16236
changes it proposes to make. 16237

(C) ~~On and after July 1, 2005, the~~ The Ohio department of education and workforce shall not make any change proposed under division (B) of this section unless the general assembly has adopted a concurrent resolution approving the proposed change.

Sec. 3302.10. (A) ~~The superintendent of public instruction-~~ department of education and workforce shall establish an academic distress commission for any school district that meets one of the following conditions:

(1) The district has for three consecutive years received either of the following:

(a) An overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code;

(b) An overall performance rating of less than two stars under division (D) (3) of section 3302.03 of the Revised Code.

(2) An academic distress commission established for the district under former section 3302.10 of the Revised Code was still in existence on October 15, 2015, and has been in existence for at least four years.

(B) (1) The academic distress commission shall consist of five members as follows:

(a) Three members appointed by the ~~state-~~ superintendent director of education and workforce, one of whom is a resident in the county in which a majority of the district's territory is located;

(b) One member appointed by the president of the district board of education, who shall be a teacher employed by the district;

(c) One member appointed by the mayor of the municipality

in which a majority of the district's territory is located or, 16266
if no such municipality exists, by the mayor of a municipality 16267
selected by the ~~state superintendent~~ director of education and 16268
workforce in which the district has territory. 16269

Appointments to the commission shall be made within thirty 16270
days after the district is notified that it is subject to this 16271
section. Members of the commission shall serve at the pleasure 16272
of their appointing authority. The ~~state superintendent~~ director 16273
shall designate a chairperson for the commission from among the 16274
members appointed by the ~~state superintendent~~ director. The 16275
chairperson shall call and conduct meetings, set meeting 16276
agendas, and serve as a liaison between the commission and the 16277
chief executive officer appointed under division (C) (1) of this 16278
section. 16279

(2) In the case of a school district that meets the 16280
condition in division (A) (2) of this section, the academic 16281
distress commission established for the district under former 16282
section 3302.10 of the Revised Code shall be abolished and a new 16283
academic distress commission shall be appointed for the district 16284
pursuant to division (B) (1) of this section. 16285

(C) (1) Within sixty days after the ~~state superintendent~~ 16286
director has designated a chairperson for the academic distress 16287
commission, the commission shall appoint a chief executive 16288
officer for the district, who shall be paid by the department of 16289
education and workforce and shall serve at the pleasure of the 16290
commission. The individual appointed as chief executive officer 16291
shall have high-level management experience in the public or 16292
private sector. The chief executive officer shall exercise 16293
complete operational, managerial, and instructional control of 16294
the district, which shall include, but shall not be limited to, 16295

the following powers and duties, but the chief executive officer	16296
may delegate, in writing, specific powers or duties to the	16297
district board or district superintendent:	16298
(a) Replacing school administrators and central office	16299
staff;	16300
(b) Assigning employees to schools and approving	16301
transfers;	16302
(c) Hiring new employees;	16303
(d) Defining employee responsibilities and job	16304
descriptions;	16305
(e) Establishing employee compensation;	16306
(f) Allocating teacher class loads;	16307
(g) Conducting employee evaluations;	16308
(h) Making reductions in staff under section 3319.17,	16309
3319.171, or 3319.172 of the Revised Code;	16310
(i) Setting the school calendar;	16311
(j) Creating a budget for the district;	16312
(k) Contracting for services for the district;	16313
(l) Modifying policies and procedures established by the	16314
district board;	16315
(m) Establishing grade configurations of schools;	16316
(n) Determining the school curriculum;	16317
(o) Selecting instructional materials and assessments;	16318
(p) Setting class sizes;	16319

(q) Providing for staff professional development. 16320

(2) If an improvement coordinator was previously appointed 16321
for the district pursuant to division (A) of section 3302.04 of 16322
the Revised Code, that position shall be terminated. However, 16323
nothing in this section shall prohibit the chief executive 16324
officer from employing the same individual or other staff to 16325
perform duties or functions previously performed by the 16326
improvement coordinator. 16327

(D) The academic distress commission, in consultation with 16328
the ~~state superintendent~~ director of education and workforce and 16329
the chief executive officer, shall be responsible for expanding 16330
high-quality school choice options in the district. The 16331
commission, in consultation with the ~~state~~ 16332
~~superintendent~~ director, may create an entity to act as a high- 16333
quality school accelerator for schools not operated by the 16334
district. The accelerator shall promote high-quality schools in 16335
the district, lead improvement efforts for underperforming 16336
schools, recruit high-quality sponsors for community schools, 16337
attract new high-quality schools to the district, and increase 16338
the overall capacity of schools to deliver a high-quality 16339
education for students. Any accelerator shall be an independent 16340
entity and the chief executive officer shall have no authority 16341
over the accelerator. 16342

(E) (1) Within thirty days after the chief executive 16343
officer is appointed, the chief executive officer shall convene 16344
a group of community stakeholders. The purpose of the group 16345
shall be to develop expectations for academic improvement in the 16346
district and to assist the district in building relationships 16347
with organizations in the community that can provide needed 16348
services to students. Members of the group shall include, but 16349

shall not be limited to, educators, civic and business leaders, 16350
and representatives of institutions of higher education and 16351
government service agencies. Within ninety days after the chief 16352
executive officer is appointed, the chief executive officer also 16353
shall convene a smaller group of community stakeholders for each 16354
school operated by the district to develop expectations for 16355
academic improvement in that school. The group convened for each 16356
school shall have teachers employed in the school and parents of 16357
students enrolled in the school among its members. 16358

(2) The chief executive officer shall create a plan to 16359
improve the district's academic performance. In creating the 16360
plan, the chief executive officer shall consult with the groups 16361
convened under division (E)(1) of this section. The chief 16362
executive officer also shall consider the availability of 16363
funding to ensure sustainability of the plan. The plan shall 16364
establish clear, measurable performance goals for the district 16365
and for each school operated by the district. The performance 16366
goals shall include, but not be limited to, the performance 16367
measures prescribed for report cards issued under section 16368
3302.03 of the Revised Code. Within ninety days after the chief 16369
executive officer is appointed, the chief executive officer 16370
shall submit the plan to the academic distress commission for 16371
approval. Within thirty days after the submission of the plan, 16372
the commission shall approve the plan or suggest modifications 16373
to the plan that will render it acceptable. If the commission 16374
suggests modifications, the chief executive officer may revise 16375
the plan before resubmitting it to the commission. The chief 16376
executive officer shall resubmit the plan, whether revised or 16377
not, within fifteen days after the commission suggests 16378
modifications. The commission shall approve the plan within 16379
thirty days after the plan is resubmitted. Upon approval of the 16380

plan by the commission, the chief executive officer shall 16381
implement the plan. 16382

(F) Notwithstanding any provision to the contrary in 16383
Chapter 4117. of the Revised Code, if the district board has 16384
entered into, modified, renewed, or extended a collective 16385
bargaining agreement on or after October 15, 2015, that contains 16386
provisions relinquishing one or more of the rights or 16387
responsibilities listed in division (C) of section 4117.08 of 16388
the Revised Code, those provisions are not enforceable and the 16389
chief executive officer and the district board shall resume 16390
holding those rights or responsibilities as if the district 16391
board had not relinquished them in that agreement until such 16392
time as both the academic distress commission ceases to exist 16393
and the district board agrees to relinquish those rights or 16394
responsibilities in a new collective bargaining agreement. For 16395
purposes of this section, "collective bargaining agreement" 16396
shall include any labor contract or agreement in effect with any 16397
applicable bargaining representative. The chief executive 16398
officer and the district board are not required to bargain on 16399
subjects reserved to the management and direction of the school 16400
district, including, but not limited to, the rights or 16401
responsibilities listed in division (C) of section 4117.08 of 16402
the Revised Code. The way in which these subjects and these 16403
rights or responsibilities may affect the wages, hours, terms 16404
and conditions of employment, or the continuation, modification, 16405
or deletion of an existing provision of a collective bargaining 16406
agreement is not subject to collective bargaining or effects 16407
bargaining under Chapter 4117. of the Revised Code. The 16408
provisions of this paragraph apply to a collective bargaining 16409
agreement entered into, modified, renewed, or extended on or 16410
after October 15, 2015, and those provisions are deemed to be 16411

part of that agreement regardless of whether the district 16412
satisfied the conditions prescribed in division (A) of this 16413
section at the time the district entered into that agreement. If 16414
the district board relinquished one or more of the rights or 16415
responsibilities listed in division (C) of section 4117.08 of 16416
the Revised Code in a collective bargaining agreement entered 16417
into prior to October 15, 2015, and had resumed holding those 16418
rights or responsibilities pursuant to division (K) of former 16419
section 3302.10 of the Revised Code, as it existed prior to that 16420
date, the district board shall continue to hold those rights or 16421
responsibilities until such time as both the new academic 16422
distress commission appointed under this section ceases to exist 16423
upon completion of the transition period specified in division 16424
(N) (1) of this section and the district board agrees to 16425
relinquish those rights or responsibilities in a new collective 16426
bargaining agreement. 16427

(G) In each school year that the district is subject to 16428
this section, the following shall apply: 16429

(1) The chief executive officer shall implement the 16430
improvement plan approved under division (E) (2) of this section 16431
and shall review the plan annually to determine if changes are 16432
needed. The chief executive officer may modify the plan upon the 16433
approval of the modifications by the academic distress 16434
commission. 16435

(2) The chief executive officer may implement innovative 16436
education programs to do any of the following: 16437

(a) Address the physical and mental well-being of students 16438
and their families; 16439

(b) Provide mentoring; 16440

(c) Provide job resources;	16441
(d) Disseminate higher education information;	16442
(e) Offer recreational or cultural activities;	16443
(f) Provide any other services that will contribute to a successful learning environment.	16444 16445
The chief executive officer shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (G) (2) of this section in the fund. The chief executive officer shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan approved under division (E) (2) of this section.	16446 16447 16448 16449 16450 16451 16452 16453
(3) If the district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the following school year, shall be eligible to participate in the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code and an application for the student may be submitted during the next application period.	16454 16455 16456 16457 16458 16459 16460 16461 16462 16463 16464 16465 16466
(4) Notwithstanding anything to the contrary in the Revised Code, the chief executive officer may limit, suspend, or alter any contract with an administrator that is entered into,	16467 16468 16469

modified, renewed, or extended by the district board on or after 16470
October 15, 2015, provided that the chief executive officer 16471
shall not reduce any salary or base hourly rate of pay unless 16472
such salary or base hourly rate reductions are part of a uniform 16473
plan affecting all district employees and shall not reduce any 16474
insurance benefits unless such insurance benefit reductions are 16475
also applicable generally to other employees of the district. 16476

(5) The chief executive officer shall represent the 16477
district board during any negotiations to modify, renew, or 16478
extend a collective bargaining agreement entered into by the 16479
board under Chapter 4117. of the Revised Code. 16480

(H) If the report card for the district has been issued 16481
under section 3302.03 of the Revised Code for the first school 16482
year that the district is subject to this section and the 16483
district does not meet the qualification in division (N) (1) of 16484
this section, the following shall apply: 16485

(1) The chief executive officer may reconstitute any 16486
school operated by the district. The chief executive officer 16487
shall present to the academic distress commission a plan that 16488
lists each school designated for reconstitution and explains how 16489
the chief executive officer plans to reconstitute the school. 16490
The chief executive officer may take any of the following 16491
actions to reconstitute a school: 16492

(a) Change the mission of the school or the focus of its 16493
curriculum; 16494

(b) Replace the school's principal and/or administrative 16495
staff; 16496

(c) Replace a majority of the school's staff, including 16497
teaching and nonteaching employees; 16498

(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.

(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;

(f) Permanently close the school.

If the chief executive officer plans to reconstitute a school under division (H) (1) (e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.

(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after October 15, 2015, for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing written notice to the bargaining representative. Any provisions designated for reopening by the chief executive officer shall be subject to collective bargaining as set forth in Chapter 4117. of the Revised Code. Any changes to the provisions subject to reopening shall take effect on the following first day of July or another date agreed to by the parties. The chief executive officer may reopen a

collective bargaining agreement under division (H) (2) of this 16529
section as necessary to reconstitute a school under division (H) 16530
(1) of this section. 16531

(I) If the report card for the district has been issued 16532
under section 3302.03 of the Revised Code for the second school 16533
year that the district is subject to this section and the 16534
district does not meet the qualification in division (N) (1) of 16535
this section, the following shall apply: 16536

(1) The chief executive officer may exercise any of the 16537
powers authorized under division (H) of this section. 16538

(2) Notwithstanding any provision to the contrary in 16539
Chapter 4117. of the Revised Code, the chief executive officer 16540
may limit, suspend, or alter any provision of a collective 16541
bargaining agreement entered into, modified, renewed, or 16542
extended on or after October 15, 2015, provided that the chief 16543
executive officer shall not reduce any base hourly rate of pay 16544
and shall not reduce any insurance benefits. The decision to 16545
limit, suspend, or alter any provision of a collective 16546
bargaining agreement under this division is not subject to 16547
bargaining under Chapter 4117. of the Revised Code; however, the 16548
chief executive officer shall have the discretion to engage in 16549
effects bargaining on the way any such decision may affect 16550
wages, hours, or terms and conditions of employment. The chief 16551
executive officer may limit, suspend, or alter a provision of a 16552
collective bargaining agreement under division (I) (2) of this 16553
section as necessary to reconstitute a school under division (H) 16554
(1) of this section. 16555

(J) If the report card for the district has been issued 16556
under section 3302.03 of the Revised Code for the third school 16557
year that the district is subject to this section and the 16558

district does not meet the qualification in division (N) (1) of 16559
this section, the following shall apply: 16560

(1) The chief executive officer may exercise any of the 16561
powers authorized under division (H) or (I) of this section. 16562

(2) The chief executive officer may continue in effect a 16563
limitation, suspension, or alteration of a provision of a 16564
collective bargaining agreement issued under division (I) (2) of 16565
this section. Any such continuation shall be subject to the 16566
requirements and restrictions of that division. 16567

(K) If the report card for the district has been issued 16568
under section 3302.03 of the Revised Code for the fourth school 16569
year that the district is subject to this section and the 16570
district does not meet the qualification in division (N) (1) of 16571
this section, the following shall apply: 16572

(1) The chief executive officer may exercise any of the 16573
powers authorized under division (H), (I), or (J) of this 16574
section. 16575

(2) A new board of education shall be appointed for the 16576
district in accordance with section 3302.11 of the Revised Code. 16577
However, the chief executive officer shall retain complete 16578
operational, managerial, and instructional control of the 16579
district until the chief executive officer relinquishes that 16580
control to the district board under division (N) (1) of this 16581
section. 16582

(L) If the report card for the district has been issued 16583
under section 3302.03 of the Revised Code for the fifth school 16584
year, or any subsequent school year, that the district is 16585
subject to this section and the district does not meet the 16586
qualification in division (N) (1) of this section, the chief 16587

executive officer may exercise any of the powers authorized 16588
under division (H), (I), (J), or (K) (1) of this section. 16589

(M) If division (I), (J), (K), or (L) of this section 16590
applies to a district, community schools, STEM schools, 16591
chartered nonpublic schools, and other school districts that 16592
enroll students residing in the district and meet academic 16593
accountability standards shall be eligible to be paid an 16594
academic performance bonus in each fiscal year for which the 16595
general assembly appropriates funds for that purpose. The 16596
academic performance bonus is intended to give students residing 16597
in the district access to a high-quality education by 16598
encouraging high-quality schools to enroll those students. 16599

(N) (1) When a district subject to this section receives 16600
either an overall grade of "C" or higher under division (C) (3) 16601
of section 3302.03 of the Revised Code or an overall performance 16602
rating of three stars or higher under division (D) (3) of section 16603
3302.03 of the Revised Code, the district shall begin its 16604
transition out of being subject to this section. Except as 16605
provided in division (N) (2) of this section, the transition 16606
period shall last until the district has received either an 16607
overall grade higher than "F" under division (C) (3) of section 16608
3302.03 of the Revised Code or an overall performance rating of 16609
two stars or higher under division (D) (3) of section 3302.03 of 16610
the Revised Code for two consecutive school years after the 16611
transition period begins. The overall grade of "C" or higher or 16612
overall performance rating of three stars or higher that qualify 16613
the district to begin the transition period shall not count as 16614
one of the two consecutive school years. During the transition 16615
period, the conditions described in divisions (F) to (L) of this 16616
section for the school year prior to the school year in which 16617
the transition period begins shall continue to apply and the 16618

chief executive officer shall work closely with the district 16619
board and district superintendent to increase their ability to 16620
resume control of the district and sustain the district's 16621
academic improvement over time. Upon completion of the 16622
transition period, the chief executive officer shall relinquish 16623
all operational, managerial, and instructional control of the 16624
district to the district board and district superintendent and 16625
the academic distress commission shall cease to exist. 16626

(2) If the district receives either an overall grade of 16627
"F" under division (C) (3) of section 3302.03 of the Revised Code 16628
or an overall performance rating of less than two stars under 16629
division (D) (3) of section 3302.03 of the Revised Code at any 16630
time during the transition period, the transition period shall 16631
end and the district shall be fully subject to this section 16632
again. The district shall resume being fully subject to this 16633
section at the point it began its transition out of being 16634
subject to this section and the division in divisions (H) to (L) 16635
of this section that would have applied to the district had the 16636
district not qualified to begin its transition under division 16637
(N) (1) of this section shall apply to the district. 16638

(O) If at any time there are no longer any schools 16639
operated by the district due to reconstitution or other closure 16640
of the district's schools under this section, the academic 16641
distress commission shall cease to exist and the chief executive 16642
officer shall cease to exercise any powers with respect to the 16643
district. 16644

(P) Beginning on October 15, 2015, each collective 16645
bargaining agreement entered into by a school district board of 16646
education under Chapter 4117. of the Revised Code shall 16647
incorporate the provisions of this section. 16648

(Q) The chief executive officer, the members of the academic distress commission, the ~~state superintendent~~director of education and workforce, and any person authorized to act on behalf of or assist them shall not be personally liable or subject to any suit, judgment, or claim for damages resulting from the exercise of or failure to exercise the powers, duties, and functions granted to them in regard to their functioning under this section, but the chief executive officer, commission, ~~state superintendent~~director, and such other persons shall be subject to mandamus proceedings to compel performance of their duties under this section.

(R) The ~~state superintendent~~ department of education and workforce shall not exempt any district from this section by approving an application for an innovative education pilot program submitted by the district under section 3302.07 of the Revised Code.

Sec. 3302.103. (A) This section applies to any school district that meets one of the following conditions:

(1) An academic distress commission was established for the district in 2013 ~~by the superintendent of public instruction~~ under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district ~~by the state superintendent~~ under division (A) (2) of section 3302.10 of the Revised Code.

(2) An academic distress commission was established for the district in 2010 ~~by the state superintendent~~ under former section 3302.10 of the Revised Code, as it existed prior to October 15, 2015, and a new academic distress commission was established for the district under division (A) (2) of section

3302.10 of the Revised Code. 16679

(3) An academic distress commission was established for 16680
the district ~~by the state superintendent~~ in 2018 under division 16681
(A) (1) of section 3302.10 of the Revised Code. 16682

(B) The auditor of state shall complete a performance 16683
audit of a school district to which this section applies one 16684
time during the three-year period of the plan implemented under 16685
division (D) (2) of this section and submit the results of the 16686
audit to the board of education of the school district and the 16687
academic distress commission established for the district. The 16688
performance audit shall be conducted in the same manner as 16689
prescribed by section 3316.042 of the Revised Code. 16690

(C) Notwithstanding anything to the contrary in the 16691
Revised Code, ~~not later than ninety days after the effective~~ 16692
~~date of this section,~~ the district board of a school district to 16693
which this section applies, in consultation with the appropriate 16694
stakeholders, the academic distress commission, and the chief 16695
executive officer appointed by that commission under section 16696
3302.10 of the Revised Code, shall develop and submit an 16697
academic improvement plan for the district to the ~~state~~ 16698
~~superintendent~~ department of education and workforce. 16699

The plan developed under division (C) of this section 16700
shall operate for a period of three school years and shall 16701
include annual and overall academic improvement benchmarks for 16702
the district and strategies for achieving those benchmarks. 16703

(D) (1) The ~~state superintendent~~ department shall review 16704
the plan submitted under division (C) of this section. Not later 16705
than thirty days after receiving the plan for review, the ~~state~~ 16706
~~superintendent~~ department shall approve the plan or suggest 16707

modifications to the plan. If the ~~state superintendent~~ 16708
department suggests modifications, the district board shall 16709
revise the plan and resubmit it within fifteen days after 16710
receiving the suggested modifications. The ~~state superintendent~~ 16711
department shall review and approve the plan within thirty days 16712
after receiving it. 16713

(2) Upon approval of the plan by the ~~state~~ 16714
~~superintendent~~department, the district board may begin to 16715
prepare to implement the plan, which shall be in effect from 16716
July 1, 2022, to June 30, 2025. The district's academic distress 16717
commission and chief executive officer shall work with the 16718
district in preparing to implement the plan. 16719

(3) If the district board determines it necessary, it may 16720
submit a request to the ~~state superintendent~~ department to 16721
modify the improvement plan during the period of time specified 16722
in division (D) (2) of this section. The improvement plan shall 16723
not be modified without the ~~state superintendent's~~ department's 16724
approval. 16725

(E) During the school years that the district is 16726
implementing the plan approved by the ~~state~~ 16727
~~superintendent~~department, the following apply: 16728

(1) The district shall not be subject to section 3302.10 16729
of the Revised Code. 16730

(2) The district board shall reassume all powers granted 16731
to it under the Revised Code. 16732

(3) The district's academic distress commission shall 16733
continue to exist and provide assistance to the district but 16734
shall not have any operational or managerial control of the 16735
district. 16736

(4) The chief executive officer appointed by the academic distress commission shall relinquish all operational, managerial, and instructional control of the district and be removed from that position.

The district board may employ as district superintendent the individual who previously served as chief executive officer. If the district board enters into a contract for district superintendent with that individual while the district is implementing the improvement plan, the department of education shall continue compensating the individual under the terms of the individual's chief executive officer contract until the district meets either of the conditions prescribed in division (F) (1) (b) or (F) (2) of this section. In either event, the district board shall begin compensating the individual under the terms of the district board's employment contract with the individual for district superintendent.

(5) The district board shall provide annual reports to the ~~state board of education~~ department on the district's progress toward achieving the academic benchmarks established in the district's improvement plan.

(F) At the end of three school years under the plan, the district shall be evaluated by the ~~state board~~ department based on the academic improvement benchmarks established in the plan.

(1) (a) If the district improves but does not meet at least a majority of the academic improvement benchmarks established in the improvement plan, the district board may apply to the ~~state superintendent~~ department for an extension of one school year to continue implementing the plan, pending approval by the ~~state superintendent~~ department. If the district does not meet at least a majority of the established benchmarks at the end of the

extension, the district again may apply to the ~~state~~ 16767
~~superintendent~~ department for an extension of one school year to 16768
continue implementing the plan. The district shall not apply for 16769
an extension more than twice. 16770

(b) If the district does not meet at least a majority of 16771
the academic improvement benchmarks at the end of five school 16772
years under the plan or if the ~~state superintendent~~ department 16773
does not approve a district's application for an extension 16774
submitted under division (F) (1) (a) of this section, the district 16775
shall be subject to section 3302.10 of the Revised Code. The 16776
academic distress commission shall appoint a new chief executive 16777
officer for the district as prescribed in division (C) of that 16778
section, and the chief executive officer shall reassume the 16779
powers that were being exercised under that section prior to 16780
July 1, 2022. 16781

(2) If the district meets at least a majority of the 16782
academic improvement benchmarks established in its improvement 16783
plan at the end of the initial evaluation or, if applicable, 16784
after an extension granted by the ~~state superintendent~~ 16785
department under division (F) (1) (a) of this section, the 16786
academic distress commission shall be dissolved, and the 16787
district board shall continue exercising all powers granted to 16788
it under the Revised Code. 16789

Sec. 3302.11. (A) This section applies to any school 16790
district that becomes subject to division (K) of section 3302.10 16791
of the Revised Code, as it exists on and after ~~the effective~~ 16792
~~date of this section~~ October 15, 2015. 16793

(B) As used in this section, "mayor" means the mayor of 16794
the municipality in which a majority of the territory of a 16795
school district to which this section applies is located or, if 16796

no such municipality exist, the mayor of a municipality selected 16797
by the ~~superintendent of public instruction~~ director of 16798
education and workforce in which the district has territory. 16799

(C) On the first day of January following the date on 16800
which this section first applies to a school district, the mayor 16801
shall appoint a new five-member board of education for the 16802
district from a slate of candidates nominated by the nominating 16803
panel established under division (D) (1) of this section. 16804

(D) (1) Not later than thirty days after the date on which 16805
this section first applies to a school district, the 16806
~~superintendent of public instruction~~ director shall convene a 16807
nominating panel to nominate candidates for appointment to the 16808
district board of education. The panel shall consist of the 16809
following members: 16810

(a) Two persons appointed by the mayor, one of whom shall 16811
be a representative of the business community or an institution 16812
of higher education located in the district; 16813

(b) One principal employed by the district, who shall be 16814
selected by a vote of the district's principals conducted by the 16815
~~state superintendent~~ director; 16816

(c) One teacher appointed by the bargaining representative 16817
for teachers employed by the district; 16818

(d) One parent of a student enrolled in the district 16819
appointed by the parent-teacher association, or a similar 16820
organization selected by the ~~state superintendent~~ director; 16821

(e) The chairperson of the academic distress commission 16822
established for the district under section 3302.10 of the 16823
Revised Code and the chief executive officer appointed under 16824
division (C) (1) of that section, until such time as the 16825

commission ceases to exist. 16826

(2) The ~~state superintendent~~ director shall be a nonvoting 16827
member of the panel and shall serve as chairperson of the panel 16828
for the first two years of the panel's existence. After that 16829
time, the panel shall select one of its members as chairperson. 16830
The panel shall meet as necessary to make nominations at the 16831
call of the chairperson. All members of the panel shall serve at 16832
the pleasure of their appointing authority. A vacancy on the 16833
panel shall be filled in the same manner as the initial 16834
appointment. 16835

(E) Not later than thirty days after the nominating panel 16836
is convened, the panel shall nominate a slate of at least ten 16837
candidates for possible appointment to the district board of 16838
education. All candidates shall be residents of the school 16839
district and shall hold no elected public office. At least two 16840
of the candidates shall reside outside of the municipal 16841
corporation served by the mayor, if that municipal corporation 16842
does not contain all of the district's territory. 16843

(F) Not later than thirty days after receiving the slate 16844
of candidates, the mayor shall select five members from the 16845
slate for appointment to the district board of education. 16846
Initial members of the board shall take office on the first day 16847
of January following their appointment and their terms shall 16848
expire on the thirtieth day of June following the referendum 16849
election required by division (G) (1) of this section. 16850

(G) (1) At the general election held in the first even- 16851
numbered year occurring at least three years after the date on 16852
which the academic distress commission established for the 16853
district ceases to exist pursuant to division (N) (1) of section 16854
3302.10 of the Revised Code, a referendum election shall be held 16855

to determine if the mayor shall continue to appoint the district board of education. Not later than ninety days before the general election, the board of education shall notify the board of elections of each county containing territory of the district of the referendum election. At the general election, the following question shall be submitted to the electors of the district:

"Shall the mayor of... (here insert the name of the applicable municipal corporation) continue to appoint the members of the board of education of the... (here insert the name of the school district to which this section applies)?"

The board of elections of the county in which the majority of the district's territory is located shall make all necessary arrangements for the submission of the question to the electors, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers, provided that in any such election in which only part of the electors of a precinct are qualified to vote, the board of elections may assign voters in such part to an adjoining precinct. Such an assignment may be made to an adjoining precinct in another county with the consent and approval of the board of elections of such other county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, the board of elections shall post notice of the election on its web site for thirty days prior to the election. The notice shall state the question on which the election is being held. The ballot shall be in the form prescribed by the secretary of state. Costs of submitting the

question to the electors shall be charged to the district in 16887
accordance with section 3501.17 of the Revised Code. 16888

(2) If a majority of the electors voting on the question 16889
proposed in division (G)(1) of this section approve the 16890
question, the mayor shall appoint a new board of education on 16891
the immediately following first day of July from a slate of 16892
candidates nominated by the nominating panel in the same manner 16893
as the initial board was appointed pursuant to divisions (E) and 16894
(F) of this section. Three of the members of the new board shall 16895
be appointed to four-year terms and two of the members shall be 16896
appointed to two-year terms, each term beginning on the first 16897
day of July. Thereafter, the mayor shall appoint members to 16898
four-year terms in the same manner prescribed in divisions (E) 16899
and (F) of this section. Whenever the nominating panel is 16900
required to nominate a slate of candidates, the panel shall 16901
nominate at least twice the number of candidates as members to 16902
be appointed to the board at that time, including two candidates 16903
who reside outside of the municipal corporation served by the 16904
mayor, if that municipal corporation does not contain all of the 16905
district's territory. Nothing in this division shall preclude 16906
the nominating panel from nominating as a candidate a person who 16907
was a member of the board prior to the referendum election or 16908
shall preclude the mayor from appointing such a person to the 16909
new board. 16910

(3) If a majority of the electors voting on the question 16911
proposed in division (G)(1) of this section disapprove the 16912
question, a new board of education shall be elected at the next 16913
regular election occurring in November of an odd-numbered year. 16914
The board shall have the same number of members as the board in 16915
place prior to the board appointed under this section. At such 16916
election, one-half of the total number of members rounded up to 16917

the next whole number shall be elected for terms of four years 16918
and the remaining members shall be elected for terms of two 16919
years. Thereafter, their successors shall be elected in the same 16920
manner and for the same terms as provided in the Revised Code 16921
for members of boards of education. All members of the board of 16922
education appointed under this section shall continue to serve 16923
after the end of the terms to which they were appointed until 16924
their successors are qualified and assume office in accordance 16925
with section 3313.09 of the Revised Code. 16926

(H) All of the following shall apply to a board of 16927
education appointed under division (F) or (G) (2) of this 16928
section: 16929

(1) At any given time, at least two of the board members 16930
shall have significant expertise in education, finance, or 16931
business management and at least one member shall reside outside 16932
of the municipal corporation served by the mayor, if that 16933
municipal corporation does not contain all of the district's 16934
territory. 16935

(2) The members of the board shall designate one of its 16936
members as the chairperson of the board. The chairperson shall 16937
have all the rights, authority, and duties conferred upon the 16938
president of a board of education by the Revised Code. 16939

(3) The mayor may remove any member of the board with the 16940
advice and consent of the nominating panel. 16941

Sec. 3302.12. (A) (1) Except as provided in divisions (C) 16942
and (D) of this section, this section applies to a school 16943
building that is ranked according to performance index score 16944
under section 3302.21 of the Revised Code in the lowest five per 16945
cent of public school buildings statewide for three consecutive 16946

years and that meets any combination of the following for three consecutive years: 16947
16948

(a) The school building is declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code; 16949
16950
16951

(b) The school building has received a grade of "F" for the value-added progress dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 16952
16953
16954

(c) The school building has received an overall grade of "F" under section 3302.03 of the Revised Code; 16955
16956

(d) The school building has received a performance rating of one star for progress under division (D) (3) (c) of section 3302.03 of the Revised Code; 16957
16958
16959

(e) The school building has received an overall performance rating of less than two stars under section 3302.03 of the Revised Code. 16960
16961
16962

(2) In the case of a building to which this section applies, the district board of education in control of that building shall do one of the following at the conclusion of the school year in which the building first becomes subject to this section: 16963
16964
16965
16966
16967

(a) Close the school and direct the district superintendent to reassign the students enrolled in the school to other school buildings that demonstrate higher academic achievement; 16968
16969
16970
16971

(b) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 16972
16973
16974

(c) Replace the principal and all teaching staff of the school and, upon request from the new principal, exempt the school from all requested policies and regulations of the board regarding curriculum and instruction. The board also shall distribute funding to the school in an amount that is at least equal to the product of the per pupil amount of state and local revenues received by the district multiplied by the student population of the school.

(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code.

(B) If an action taken by the board under division (A) (2) of this section causes the district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the board shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the ~~state board~~ department of education and workforce shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code.

(C) If a particular school is required to restructure under this section and a petition with respect to that same

school has been filed and verified under divisions (B) and (C) 17005
of section 3302.042 of the Revised Code, the provisions of that 17006
section and the petition filed and verified under it shall 17007
prevail over the provisions of this section and the school shall 17008
be restructured under that section. However, if division (D)(1), 17009
(2), or (3) of section 3302.042 of the Revised Code also applies 17010
to the school, the school shall be subject to restructuring 17011
under this section and not section 3302.042 of the Revised Code. 17012

If the provisions of this section conflict in any way with 17013
the requirements of federal law, federal law shall prevail over 17014
the provisions of this section. 17015

(D) If a school is restructured under this section, 17016
section 3302.042 or 3302.10 of the Revised Code, or federal law, 17017
the school shall not be required to restructure again under 17018
state law for three consecutive years after the implementation 17019
of that prior restructuring. 17020

Sec. 3302.13. (A) This section applies to any school 17021
district or community school that meets both of the following 17022
criteria, as reported on the past two consecutive report cards 17023
issued for that district or school under section 3302.03 of the 17024
Revised Code: 17025

(1) The district or school received either of the 17026
following: 17027

(a) A grade of "D" or "F" on the kindergarten through 17028
third-grade literacy progress measure under division (C) (3) (e) 17029
of section 3302.03 of the Revised Code; 17030

(b) A performance rating of less than three stars for 17031
early literacy under division (D) (3) (e) of section 3302.03 of 17032
the Revised Code. 17033

(2) Fifty-one per cent or less of the district's students
who took the third grade English language arts assessment
prescribed under section 3301.0710 of the Revised Code for that
school year attained at least a proficient score on that
assessment.

(B) By ~~December 31, 2016, and by the thirty-first day of~~
~~each December thereafter of each year,~~ any school district or
community school that meets the criteria set forth in division
(A) of this section shall submit to the department of education_
and workforce a school or district reading achievement
improvement plan, which shall include all requirements
prescribed by the ~~state board of education department~~ pursuant
to division (C) of this section.

(C) ~~Not later than December 31, 2014, the state board~~ The
department shall adopt rules in accordance with Chapter 119. of
the Revised Code prescribing the content of and deadlines for
the reading achievement improvement plans required under
division (B) of this section. The rules shall prescribe that
each plan include, at a minimum, an analysis of relevant student
performance data, measurable student performance goals,
strategies to meet specific student needs, a staffing and
professional development plan, and instructional strategies for
improving literacy.

(D) Any school district or community school to which this
section applies shall no longer be required to submit an
improvement plan pursuant to division (B) of this section when
that district or school meets either of the following criteria,
as reported on the most recent report card issued for that
district or school under section 3302.03 of the Revised Code:

(1) The district or school received either of the

following: 17064

(a) A grade of "C" or higher on the kindergarten through 17065
third-grade literacy progress measure under division (C) (3) (e) 17066
of section 3302.03 of the Revised Code; 17067

(b) A performance rating of three stars or higher for 17068
early literacy under division (D) (3) (e) of section 3302.03 of 17069
the Revised Code. 17070

(2) Not less than fifty-one per cent of the district's 17071
students who took the third grade English language arts 17072
assessment prescribed under section 3301.0710 of the Revised 17073
Code for that school year attained at least a proficient score 17074
on that assessment. 17075

(E) The department ~~of education~~ shall post in a prominent 17076
location on its web site all plans submitted pursuant to this 17077
section. 17078

Sec. 3302.14. The department of education and workforce 17079
annually shall collect, analyze, and publish data regarding 17080
reading achievement in schools and progress in assisting all 17081
students to become proficient readers. Beginning on January 31, 17082
2015, and on the thirty-first day of each January thereafter, 17083
the department shall report these findings, in accordance with 17084
section 101.68 of the Revised Code, to the governor, and the 17085
general assembly, ~~and the state board of education~~. The report 17086
shall include, but not be limited to, both of the following: 17087

(A) The progress of all students that were on a reading 17088
intervention plan at any time during grades kindergarten through 17089
four while enrolled in the state's public school system. 17090

(B) The progress of school districts and community schools 17091
that are currently operating under a reading achievement 17092

improvement plan pursuant to section 3302.13 of the Revised Code, as data is made available. 17093
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Sec. 3302.15. (A) Notwithstanding anything to the contrary 17095
in Chapter 3301. or 3302. of the Revised Code, the board of 17096
education of a school district, governing authority of a 17097
community school established under Chapter 3314. of the Revised 17098
Code, or governing body of a STEM school established under 17099
Chapter 3326. of the Revised Code may submit to the 17100
~~superintendent of public instruction~~department of education and 17101
workforce, during the 2015-2016 school year, a request for a 17102
waiver for up to five school years from administering the state 17103
achievement assessments required under sections 3301.0710 and 17104
3301.0712 of the Revised Code and related requirements specified 17105
under division (B)(2) of this section. A district or school that 17106
obtains a waiver under this section shall use the alternative 17107
assessment system, as proposed by the district or school and as 17108
approved by the ~~state superintendent~~department, in place of the 17109
assessments required under sections 3301.0710 and 3301.0712 of 17110
the Revised Code. 17111

(B)(1) A request for a waiver under this section shall 17112
contain the following: 17113

(a) A timeline to develop and implement an alternative 17114
assessment system for the district or school; 17115

(b) An overview of the proposed innovative educational 17116
programs or strategies to be offered by the district or school; 17117

(c) An overview of the proposed alternative assessment 17118
system; 17119

(d) An overview of planning details that have been 17120
implemented or proposed and any documented support from 17121

educational networks, established educational consultants, state 17122
institutions of higher education as defined under section 17123
3345.011 of the Revised Code, and employers or workforce 17124
development partners; 17125

(e) An overview of the capacity to implement the 17126
alternative assessments, conduct the evaluation of teachers with 17127
alternative assessments, and the reporting of student 17128
achievement data with alternative assessments for the purpose of 17129
the report card ratings prescribed under section 3302.03 of the 17130
Revised Code, all of which shall include any prior success in 17131
implementing innovative educational programs or strategies, 17132
teaching practices, or assessment practices; 17133

(f) An acknowledgement by the district or school of 17134
federal funding that may be impacted by obtaining a waiver. 17135

(2) The request for a waiver shall indicate the extent to 17136
which exemptions from state or federal requirements regarding 17137
the administration of the assessments required under sections 17138
3301.0710 and 3301.0712 of the Revised Code are sought. Such 17139
items from which a district or school may be exempt are as 17140
follows: 17141

(a) The required administration of state assessments under 17142
sections 3301.0710 and 3301.0712 of the Revised Code; 17143

(b) The evaluation of teachers and administrators under 17144
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 17145
of the Revised Code; 17146

(c) The reporting of student achievement data for the 17147
purpose of the report card ratings prescribed under section 17148
3302.03 of the Revised Code. 17149

(C) Each request for a waiver shall include the signature 17150

of all of the following: 17151

(1) The superintendent of the school district or the 17152
equivalent for a community school or STEM school; 17153

(2) The president of the district board or the equivalent 17154
for a community school or STEM school; 17155

(3) The presiding officer of the labor organization 17156
representing the district's or school's teachers, if any; 17157

(4) If the district's or school's teachers are not 17158
represented by a labor organization, the principal and a 17159
majority of the administrators and teachers of the district or 17160
school. 17161

(D) Upon receipt of a request for a waiver, the ~~state-~~ 17162
~~superintendent-~~department shall approve or deny the waiver or 17163
may request additional information from the district or school. 17164
The ~~state superintendent-~~department shall not grant waivers to 17165
more than a total of ten districts, community schools, or STEM 17166
schools, based on requests for a waiver received during the 17167
2015-2016 school year. A waiver granted to a district or school 17168
shall be contingent on an ongoing review and evaluation by the 17169
~~state superintendent-~~department of the program for which the 17170
waiver was granted. 17171

(E) (1) For the purpose of this section, the department ~~of-~~ 17172
~~education~~ shall seek a waiver from the testing requirements 17173
prescribed under the "No Child Left Behind Act of 2001," if 17174
necessary to implement this section. 17175

(2) The department shall create a mechanism for the 17176
comparison of the alternative assessments prescribed under 17177
division (B) of this section and the assessments required under 17178
sections 3301.0710 and 3301.0712 of the Revised Code as it 17179

relates to the evaluation of teachers and student achievement 17180
data for the purpose of state report card ratings. 17181

(F) For purposes of this section, "innovative educational 17182
program or strategy" means a program or strategy using a new 17183
idea or method aimed at increasing student engagement and 17184
preparing students to be college or career ready. 17185

Sec. 3302.151. (A) Notwithstanding anything to the 17186
contrary in the Revised Code, a school district that qualifies 17187
under division (D) of this section shall be exempt from all of 17188
the following: 17189

(1) The teacher qualification requirements under the 17190
third-grade reading guarantee, as prescribed under divisions (B) 17191
(3) (c) and (H) of section 3313.608 of the Revised Code. This 17192
exemption does not relieve a teacher from holding a valid Ohio 17193
license in a subject area and grade level determined appropriate 17194
by the board of education of that district. 17195

(2) The mentoring component of the Ohio teacher residency 17196
program established under division (A) (1) of section 3319.223 of 17197
the Revised Code, so long as the district utilizes a local 17198
approach to train and support new teachers; 17199

(3) Any provision of the Revised Code or rule or standard 17200
of the ~~state board~~ department of education and workforce 17201
prescribing a minimum or maximum class size; 17202

(4) Any provision of the Revised Code or rule or standard 17203
of the ~~state board~~ department requiring teachers to be licensed 17204
specifically in the grade level in which they are teaching, 17205
except unless otherwise prescribed by federal law. This 17206
exemption does not apply to special education teachers. Nor does 17207
this exemption relieve a teacher from holding a valid Ohio 17208

license in the subject area in which that teacher is teaching 17209
and at least some grade level determined appropriate by the 17210
district board. 17211

(B) (1) Notwithstanding anything to the contrary in the 17212
Revised Code, including sections 3319.30 and 3319.36 of the 17213
Revised Code, the superintendent of a school district that 17214
qualifies under division (D) of this section may employ an 17215
individual who is not licensed as required by sections 3319.22 17216
to 3319.30 of the Revised Code, but who is otherwise qualified 17217
based on experience, to teach classes in the district, so long 17218
as the board of education of the school district approves the 17219
individual's employment and provides mentoring and professional 17220
development opportunities to that individual, as determined 17221
necessary by the board. 17222

(2) As a condition of employment under this section, an 17223
individual shall be subject to a criminal records check as 17224
prescribed by section 3319.391 of the Revised Code. In the 17225
manner prescribed by the ~~department~~ state board of education, 17226
the individual shall submit the criminal records check to the 17227
~~department~~ state board and shall register with the ~~department~~ 17228
state board during the period in which the individual is 17229
employed by the district. The ~~department~~ state board shall use 17230
the information submitted to enroll the individual in the 17231
retained applicant fingerprint database, established under 17232
section 109.5721 of the Revised Code, in the same manner as any 17233
teacher licensed under sections 3319.22 to 3319.31 of the 17234
Revised Code. 17235

(3) An individual employed pursuant to this division is 17236
subject to Chapter 3307. of the Revised Code. 17237

If the ~~department~~ state board receives notification of the 17238

arrest or conviction of an individual employed under division 17239
(B) of this section, the ~~department~~state board shall promptly 17240
notify the employing district and may take any action authorized 17241
under sections 3319.31 and 3319.311 of the Revised Code that it 17242
considers appropriate. No district shall employ any individual 17243
under division (B) of this section if the district learns that 17244
the individual has plead guilty to, has been found guilty by a 17245
jury or court of, or has been convicted of any of the offenses 17246
listed in division (C) of section 3319.31 of the Revised Code. 17247

(C) Notwithstanding anything to the contrary in the 17248
Revised Code, noncompliance with any of the requirements listed 17249
in divisions (A) or (B) of this section shall not disqualify a 17250
school district that qualifies under division (D) of this 17251
section from receiving funds under Chapter 3317. of the Revised 17252
Code. 17253

(D) In order for a city, local, or exempted village school 17254
district to qualify for the exemptions described in this 17255
section, the school district shall meet all of the following 17256
benchmarks on the most recent report card issued for that 17257
district under section 3302.03 of the Revised Code: 17258

(1) The district received at least eighty-five per cent of 17259
the total possible points for the performance index score 17260
calculated under division (C) (1) (b) or (D) (1) (c) of that 17261
section; 17262

(2) The district received a grade of an "A" for 17263
performance indicators met under division (C) (1) (c) of that 17264
section. However, division (D) (2) of this section shall not 17265
apply for the 2021-2022 school year or any school year 17266
thereafter. 17267

(3) The district has a four-year adjusted cohort graduation rate of at least ninety-three per cent and a five-year adjusted cohort graduation rate of at least ninety-five per cent, as calculated under division (C) (1) (d) or divisions (D) (1) (e) and (D) (1) (f) of that section. 17268
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(E) A school district that meets the requirements prescribed by division (D) of this section shall be qualified for the exemptions prescribed by this section for three school years, beginning with the school year in which the qualifying report card is issued. 17273
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(F) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code. 17278
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Sec. 3302.17. (A) Any school building operated by a city, exempted village, or local school district, or a community school established under Chapter 3314. of the Revised Code is eligible to initiate the community learning center process as prescribed by this section. 17280
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(B) Beginning with the 2015-2016 school year, each district board of education or community school governing authority may initiate a community learning center process for any school building to which this section applies. 17285
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First, the board or governing authority shall conduct a public information hearing at each school building to which this section applies to inform the community of the community learning center process. The board or governing authority may do all of the following with regard to the public information hearing: 17289
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(1) Announce the meeting not less than forty-five days in advance at the school and on the school's or district's web 17295
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sites and using tools to ensure effective communication with	17297
individuals with disabilities;	17298
(2) Schedule the meeting for an evening or weekend time;	17299
(3) Provide interpretation services and written materials	17300
in all languages spoken by five per cent or more of the students	17301
enrolled in the school;	17302
(4) Provide child care services for parents attending the	17303
meeting;	17304
(5) Provide parents, students, teachers, nonteaching	17305
employees, and community members with the opportunity to speak	17306
at the meeting;	17307
(6) Comply with section 149.43 of the Revised Code.	17308
In preparing for the public information hearing, the board	17309
or governing authority shall ensure that information about the	17310
hearing is broadly distributed throughout the community.	17311
The board or governing authority may enter into an	17312
agreement with any civic engagement organizations, community	17313
organizations, or employee organizations to support the	17314
implementation of the community learning center process.	17315
The board or governing authority shall conduct a follow-up	17316
hearing at least once annually until action is further taken	17317
under the section with respect to the school building or until	17318
the conditions described in division (A) of this section no	17319
longer apply to the school building.	17320
(C) Not sooner than forty-five days after the first public	17321
information hearing, the board or governing authority shall	17322
conduct an election, by paper ballot, to initiate the process to	17323
become a community learning center. Only parents or guardians of	17324

students enrolled in the school and students enrolled in a 17325
different school operated by a joint vocational school district 17326
but are otherwise entitled to attend the school, and teachers 17327
and nonteaching employees who are assigned to the school may 17328
vote in the election. 17329

The board or governing authority shall distribute the 17330
ballots by mail and shall make copies available at the school 17331
and on the web site of the school. The board or governing 17332
authority also may distribute the ballots by directly giving 17333
ballots to teachers and nonteaching employees and sending home 17334
ballots with every student enrolled in the school building. 17335

(D) The board or governing authority shall initiate the 17336
transition of the building to a community learning center if the 17337
results of the election held under division (C) of this section 17338
are as follows: 17339

(1) At least fifty per cent of parents and guardians of 17340
students enrolled in the eligible school building and students 17341
enrolled in a different building operated by a joint vocational 17342
school district but who are entitled to attend the school cast 17343
ballots by a date set by the board or governing authority, and 17344
of those ballots at least sixty-seven per cent are in favor of 17345
initiating the process; and 17346

(2) At least fifty per cent of teachers and nonteaching 17347
employees who are assigned to the school cast ballots by a date 17348
set by the board or governing authority, and of those ballots at 17349
least sixty-seven per cent are in favor of initiating the 17350
process. 17351

(E) If a community learning center process is initiated 17352
under this section, the board or governing authority shall 17353

create a school action team under section 3302.18 of the Revised Code. Within four months upon selection, the school action team shall conduct and complete, in consultation with community partners, a performance audit of the school and review, with parental input, the needs of the school with regard to restructuring under section 3302.10, 3302.12, or 3302.042 of the Revised Code, or federal law.

The school action team shall provide quarterly updates of its work in a public hearing that complies with the same specifications prescribed in division (B) of this section.

(F) Upon completion of the audit and review, the school action team shall present its findings at a public hearing that complies with the same specifications prescribed in division (B) of this section. After the school action team presents its findings at the public hearing, it shall create a community learning center improvement plan that designates appropriate interventions, which may be based on the recommendations developed by the department under division (H)(1)(b) of this section.

If there is a federally mandated school improvement planning process, the team shall coordinate its work with that plan.

The school action team shall approve the plan by a majority vote.

(G) Upon approval of the plan by the school action team, the team shall submit the community learning center improvement plan to the same individuals described in division (C) of this section. Ballots shall be distributed and an election shall be conducted in the same manner as indicated under that division.

The school action team shall submit the plan to the district board of education or community school governing authority, if the results of the election under division (G) of this section are as follows:

(1) At least thirty per cent of parents and guardians of students enrolled in the eligible school building and students enrolled in a different building operated by a joint vocational school district but who are entitled to attend the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process; and

(2) At least thirty per cent of teachers and nonteaching employees who are assigned to the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process.

The board or governing authority shall evaluate the plan and determine whether to adopt it. The board or governing authority shall adopt the plan in full or adopt portions of the plan. If the board or governing authority does not adopt the plan in full, it shall provide a written explanation of why portions of the plan were rejected.

(H) (1) The department shall do all of the following with respect to this section:

(a) Adopt rules regarding the elections required under this section;

(b) Develop appropriate interventions for a community learning center improvement plan that may be used by a school action team under division (F) of this section;

(c) Publish a menu of programs and services that may be

offered by community learning centers. The information shall be 17412
posted on the department's web site. To compile this information 17413
the department shall solicit input from resource coordinators of 17414
existing community learning centers†. 17415

(d) Provide information regarding implementation of 17416
comprehensive community-based programs and supportive services 17417
including the community learning center model to school 17418
buildings meeting any of the following conditions: 17419

(i) The building is in improvement status as defined by 17420
the "No Child Left Behind Act of 2001" or under an agreement 17421
between the Ohio department of education and workforce and the 17422
United States secretary of education. 17423

(ii) The building is a secondary school that is among the 17424
lowest achieving fifteen per cent of secondary schools 17425
statewide, as determined by the department. 17426

(iii) The building is a secondary school with a graduation 17427
rate of sixty per cent or lower for three or more consecutive 17428
years. 17429

(iv) The building is a school that the department 17430
determines is persistently low-performing. 17431

(2) The department may do the following with respect to 17432
this section: 17433

(a) Provide assistance, facilitation, and training to 17434
school action teams in the conducting of the audit required 17435
under this section; 17436

(b) Provide opportunities for members of school action 17437
teams from different schools to share school improvement 17438
strategies with parents, teachers, and other relevant 17439

stakeholders in higher performing schools; 17440

(c) Provide financial support in a school action team's 17441
planning process and create a grant program to assist in the 17442
implementation of a qualified community learning center plan. 17443

(I) Notwithstanding any provision to the contrary in 17444
Chapter 4117. of the Revised Code, the requirements of this 17445
section prevail over any conflicting provisions of a collective 17446
bargaining agreement entered into on or after ~~the effective date~~ 17447
~~of this section~~ October 15, 2015. However, the board or 17448
governing authority and the teachers' labor organization may 17449
negotiate additional factors to be considered in the adoption of 17450
a community learning center plan. 17451

Sec. 3302.20. (A) The department of education and 17452
workforce shall develop standards for determining, from the 17453
existing data reported in accordance with sections 3301.0714 and 17454
3314.17 of the Revised Code, the amount of annual operating 17455
expenditures for classroom instructional purposes and for 17456
nonclassroom purposes for each city, exempted village, local, 17457
and joint vocational school district, each community school 17458
established under Chapter 3314. that is not an internet- or 17459
computer-based community school, each internet- or computer- 17460
based community school, and each STEM school established under 17461
Chapter 3326. of the Revised Code. ~~The department shall present~~ 17462
~~those standards to the state board of education for~~ 17463
~~consideration.~~ In developing the standards, the department shall 17464
adapt existing standards used by professional organizations, 17465
research organizations, and other state governments. The 17466
department also shall align the expenditure categories required 17467
for reporting under the standards with the categories that are 17468
required for reporting to the United States department of 17469

education under federal law. 17470

~~The state board shall consider the proposed standards and
adopt a final set of standards not later than December 31, 2012.
School districts, community schools, and STEM schools shall
begin reporting data in accordance with the standards on June
30, 2013.~~ 17471
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(B) (1) The department shall categorize all city, exempted 17476
village, and local school districts into not less than three nor 17477
more than five groups based primarily on average daily student 17478
enrollment as reported on the most recent report card issued for 17479
each district under section 3302.03 of the Revised Code. 17480

(2) The department shall categorize all joint vocational 17481
school districts into not less than three nor more than five 17482
groups based primarily on enrolled ADM as that term is defined 17483
in section 3317.02 of the Revised Code rounded to the nearest 17484
whole number. 17485

(3) The department shall categorize all community schools 17486
that are not internet- or computer-based community schools into 17487
not less than three nor more than five groups based primarily on 17488
average daily student enrollment as reported on the most recent 17489
report card issued for each community school under sections 17490
3302.03 and 3314.012 of the Revised Code or, in the case of a 17491
school to which section 3314.017 of the Revised Code applies, on 17492
the total number of students reported under divisions (B) (1) and 17493
(2) of section 3314.08 of the Revised Code. 17494

(4) The department shall categorize all internet- or 17495
computer-based community schools into a single category. 17496

(5) The department shall categorize all STEM schools into 17497
a single category. 17498

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;

(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;

(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:

(a) From highest to lowest percentage spent for classroom instructional purposes;

(b) From lowest to highest percentage spent for noninstructional purposes.

(5) The total operating expenditures per pupil for each district, community school, and STEM school;

(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.

(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:

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(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:

(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.

(2) Within each category of joint vocational school districts, the department shall denote each district that is:

(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.

(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;

(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.

(4) Within the category of internet- or computer-based

community schools, the department shall denote each school that 17554
is: 17555

(a) Among the twenty per cent of all such community 17556
schools statewide with the lowest total operating expenditure 17557
per equivalent pupils; 17558

(b) Among the twenty per cent of all such community 17559
schools statewide with the highest performance index scores, 17560
excluding such community schools to which section 3314.017 of 17561
the Revised Code applies. 17562

(5) Within the category of STEM schools, the department 17563
shall denote each school that is: 17564

(a) Among the twenty per cent of all STEM schools 17565
statewide with the lowest total operating expenditure per 17566
equivalent pupils; 17567

(b) Among the twenty per cent of all STEM schools 17568
statewide with the highest performance index scores. 17569

For purposes of divisions (D) (3) (b) and (4) (b) of this 17570
section, the display shall note that, in accordance with section 17571
3314.017 of the Revised Code, a performance index score is not 17572
reported for some community schools that serve primarily 17573
students enrolled in dropout prevention and recovery programs. 17574

(E) The department shall post in a prominent location on 17575
its web site the information prescribed by divisions (C) and (D) 17576
of this section. The department also shall include on each 17577
district's, community school's, and STEM school's annual report 17578
card issued under section 3302.03 or 3314.017 of the Revised 17579
Code the respective information computed for the district or 17580
school under divisions (C) (1) and (4) of this section, the 17581
statewide information computed under division (C) (2) of this 17582

section, and the information computed for the district's or 17583
school's category under division (C)(3) of this section. 17584

(F) As used in this section: 17585

(1) "Internet- or computer-based community school" has the 17586
same meaning as in section 3314.02 of the Revised Code. 17587

(2) A school district's, community school's, or STEM 17588
school's performance index score rank is its performance index 17589
score rank as computed under section 3302.21 of the Revised 17590
Code. 17591

(3) "Expenditure per equivalent pupils" has the same 17592
meaning as in section 3302.26 of the Revised Code. 17593

Sec. 3302.21. (A) The department of education and 17594
workforce shall develop a system to rank order all city, 17595
exempted village, and local school districts, community schools 17596
established under Chapter 3314. of the Revised Code except those 17597
community schools to which section 3314.017 of the Revised Code 17598
applies, and STEM schools established under Chapter 3326. of the 17599
Revised Code according to the following measures: 17600

(1) Performance index score for each school district, 17601
community school, and STEM school and for each separate building 17602
of a district, community school, or STEM school. For districts, 17603
schools, or buildings to which the performance index score does 17604
not apply, the ~~superintendent of public instruction~~ department 17605
may develop another measure of student academic performance 17606
based on similar data and performance measures if appropriate 17607
and use that measure to include those buildings in the ranking 17608
so that districts, schools, and buildings may be reliably 17609
compared to each other. 17610

(2) Student performance growth from year to year, using 17611

the value-added progress dimension, if applicable, and other 17612
measures of student performance growth designated by the 17613
~~superintendent of public instruction department~~ for subjects and 17614
grades not covered by the value-added progress dimension or the 17615
alternative student academic progress measure if adopted under 17616
division (C) (1) (e) of section 3302.03 of the Revised Code; 17617

(3) Current operating expenditure per equivalent pupils as 17618
defined in section 3302.26 of the Revised Code; 17619

(4) Of total current operating expenditures, percentage 17620
spent for classroom instruction as determined under standards 17621
adopted by the state board under section 3302.20 of the Revised 17622
Code; 17623

(5) Performance of, and opportunities provided to, 17624
students identified as gifted using value-added progress 17625
dimensions, if applicable, and other relevant measures as 17626
designated by the ~~superintendent of public~~ 17627
~~instruction department~~. 17628

The department shall rank each district, each community 17629
school except a community school to which section 3314.017 of 17630
the Revised Code applies, and each STEM school annually in 17631
accordance with the system developed under this section. 17632

(B) In addition to the reports required by sections 17633
3302.03 and 3302.031 of the Revised Code, not later than the 17634
first day of September each year, the department shall issue a 17635
report for each city, exempted village, and local school 17636
district, each community school except a community school to 17637
which section 3314.017 of the Revised Code applies, and each 17638
STEM school indicating the district's or school's rank on each 17639
measure described in divisions (A) (1) to (4) of this section, 17640

including each separate building's rank among all public school 17641
buildings according to performance index score under division 17642
(A) (1) of this section. 17643

Sec. 3302.22. (A) The governor's effective and efficient 17644
schools recognition program is hereby created. Each year, the 17645
governor shall recognize, in a manner deemed appropriate by the 17646
governor, the top ten per cent of all public schools in this 17647
state, including city, exempted village, and local school 17648
districts, joint vocational school districts, community schools 17649
established under Chapter 3314., and STEM schools established 17650
under Chapter 3326. of the Revised Code. 17651

(B) The top ten per cent of schools shall be determined by 17652
the department of education and workforce according to standards 17653
established by the department, in consultation with the 17654
governor's office of 21st century education. The standards for 17655
recognition for each type of school may vary depending upon the 17656
unique characteristics of that type of school. The standards 17657
shall include, but need not be limited to, both of the 17658
following, provided that sufficient data is available for each 17659
school: 17660

(1) Student performance, as determined by factors that may 17661
include, but not be limited to, performance indicators under 17662
section 3302.02 of the Revised Code, report cards issued under 17663
section 3302.03 of the Revised Code, performance index score 17664
rankings under section 3302.21 of the Revised Code, and any 17665
other statewide or national assessment or student performance 17666
recognition program the department selects; 17667

(2) Fiscal performance, which may include cost-effective 17668
measures taken by the school. 17669

(C) If applicable, the standards under divisions (B) (1) 17670
and (2) of this section may be applied at the school building or 17671
district level, depending upon the quality and availability of 17672
data. 17673

Sec. 3302.25. (A) In accordance with standards prescribed 17674
by the ~~state board~~department of education and workforce for 17675
categorization of school district expenditures adopted under 17676
division (A) of section 3302.20 of the Revised Code, the 17677
~~department of education~~ annually shall determine all of the 17678
following for the previous fiscal year: 17679

(1) For each school district, the ratio of the district's 17680
operating expenditures for classroom instructional purposes 17681
compared to its operating expenditures for nonclassroom 17682
purposes; 17683

(2) For each school district, the per pupil amount of the 17684
district's expenditures for classroom instructional purposes; 17685

(3) For each school district, the per pupil amount of the 17686
district's operating expenditures for nonclassroom purposes; 17687

(4) For each school district, the percentage of the 17688
district's operating expenditures attributable to school 17689
district funds; 17690

(5) The statewide average among all school districts for 17691
each of the items described in divisions (A) (1) to (4) of this 17692
section. 17693

(B) The department annually shall submit a report to each 17694
school district indicating the district's information for each 17695
of the items described in divisions (A) (1) to (4) of this 17696
section and the statewide averages described in division (A) (5) 17697
of this section. 17698

(C) Each school district, upon receipt of the report 17699
prescribed by division (B) of this section, shall publish the 17700
information contained in that report in a prominent location on 17701
the district's web site and publish the report in another 17702
fashion so that it is available to all parents of students 17703
enrolled in the district and to taxpayers of the district. 17704

Sec. 3302.26. (A) As used in this section: 17705

(1) "Expenditure per equivalent pupils" is the total 17706
operating expenditures of a school district divided by the 17707
measure of equivalent pupils. 17708

(2) "Measure of equivalent pupils" is the total number of 17709
students in a school district adjusted for the relative 17710
differences in costs associated with the unique characteristics 17711
and needs of each category of pupil. 17712

(B) The department of education and workforce shall create 17713
a performance management section on the department's public web 17714
site. The performance management section shall include 17715
information on academic and financial performance metrics for 17716
each school district to assist schools and districts in 17717
providing an effective and efficient delivery of educational 17718
services. The section shall be located in a prominent location 17719
on the department's public web site. The section shall include, 17720
but not be limited to, all of the following: 17721

(1) A graph that illustrates the relationship between a 17722
district's academic performance, as measured by the performance 17723
index score, and its expenditure per equivalent pupils as 17724
compared to similar districts; 17725

(2) Each district's total operating expenditures per 17726
pupil; 17727

(3) Statistics of academic and financial performance 17728
measures for each district to allow for a comparison and 17729
benchmarking between districts. 17730

(C) The department may contract with an independent 17731
organization to develop and host the performance management 17732
section of its web site. 17733

Sec. 3302.41. As used in this section, "blended learning" 17734
has the same meaning as in section 3301.079 of the Revised Code. 17735

(A) Any local, city, exempted village, or joint vocational 17736
school district, community school established under Chapter 17737
3314. of the Revised Code, STEM school established under Chapter 17738
3326. of the Revised Code, college-preparatory boarding school 17739
established under Chapter 3328. of the Revised Code, or 17740
chartered nonpublic school may operate all or part of a school 17741
using a blended learning model. If a school is operated using a 17742
blended learning model or is to cease operating using a blended 17743
learning model, the superintendent of the school or district or 17744
director of the school shall notify the department of education_ 17745
and workforce of that fact not later than the first day of July 17746
of the school year for which the change is effective. If any 17747
school district school, community school, or STEM school is 17748
already operated using a blended learning model on September 24, 17749
2012, the superintendent of the school or district may notify 17750
the department within ninety days after September 24, 2012, of 17751
that fact and request that the school be classified as a blended 17752
learning school. 17753

(B) The ~~state board of education~~ department shall revise 17754
any operating standards for school districts and chartered 17755
nonpublic schools adopted under section 3301.07 of the Revised 17756
Code to include standards for the operation of blended learning 17757

under this section. The blended learning operation standards 17758
shall provide for all of the following: 17759

(1) Student-to-teacher ratios whereby no school or 17760
classroom is required to have more than one teacher for every 17761
one hundred twenty-five students in blended learning classrooms; 17762

(2) The extent to which the school is or is not obligated 17763
to provide students with access to digital learning tools; 17764

(3) The ability of all students, at any grade level, to 17765
earn credits or advance grade levels upon demonstrating mastery 17766
of knowledge or skills through competency-based learning models. 17767
Credits or grade level advancement shall not be based on a 17768
minimum number of days or hours in a classroom. 17769

(4) Notwithstanding anything to the contrary in section 17770
3313.48 of the Revised Code, a requirement that the school have 17771
an annual instructional calendar of not less than nine hundred 17772
ten hours; 17773

(5) Adequate provisions for: the licensing of teachers, 17774
administrators, and other professional personnel and their 17775
assignment according to training and qualifications; efficient 17776
and effective instructional materials and equipment, including 17777
library facilities; the proper organization, administration, and 17778
supervision of each school, including regulations for preparing 17779
all necessary records and reports and the preparation of a 17780
statement of policies and objectives for each school; buildings, 17781
grounds, and health and sanitary facilities and services; 17782
admission of pupils, and such requirements for their promotion 17783
from grade to grade as will ensure that they are capable and 17784
prepared for the level of study to which they are certified; 17785
requirements for graduation; and such other factors as the board 17786

finds necessary. 17787

(C) An internet- or computer-based community school, as 17788
defined in section 3314.02 of the Revised Code, is not a blended 17789
learning school authorized under this section. Nor does this 17790
section affect any provisions for the operation of and payments 17791
to an internet- or computer-based community school prescribed in 17792
Chapter 3314. of the Revised Code. 17793

Sec. 3302.42. As used in this section, "online learning" 17794
has the same meaning as in section 3301.079 of the Revised Code. 17795

(A) Any local, city, exempted village, or joint vocational 17796
school district, with approval of the ~~superintendent of public~~ 17797
~~instruction~~department of education and workforce, may operate a 17798
school using an online learning model. If a school is operated 17799
using an online learning model or is to cease operating using an 17800
online learning model, the superintendent of the district shall 17801
notify the department ~~of education~~ of that fact not later than 17802
the first day of July of the school year for which the change is 17803
effective. If any school district school is currently operated 17804
using an online learning model ~~on the effective date of this~~ 17805
~~section~~ September 30, 2021, the superintendent of the district 17806
shall notify the department ~~within sixty days after the~~ 17807
~~effective date of this section~~ by November 29, 2021, of that 17808
fact and request that the school be classified as an online 17809
learning school. 17810

(1) Districts shall assign all students engaged in online 17811
learning to a single school which the department shall designate 17812
as a district online school. 17813

(2) Districts shall provide all students engaged in online 17814
learning a computer, at no cost, for instructional use. 17815

Districts shall provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. 17816
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(3) Districts shall provide all students engaged in online learning access to the internet, at no cost, for instructional use. 17820
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(4) Districts that operate an online learning school shall provide a comprehensive orientation for students and their parents or guardians prior to enrollment or within thirty days for students enrolled as of ~~the effective date of this section~~ September 30, 2021. 17823
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(5) Online learning schools operated by a district shall implement a learning management system that tracks the time students participate in online learning activities. All student learning activities completed while off-line shall be documented with all participation records checked and approved by the teacher of record. 17828
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(B) The ~~state board of education~~ department shall revise any operating standards for school districts adopted under section 3301.07 of the Revised Code to include standards for the operation of online learning under this section. The online learning operation standards shall provide for all of the following: 17834
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(1) Student-to-teacher ratios whereby no school or classroom is required to have more than one teacher for every one hundred twenty-five students in online learning classrooms; 17840
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(2) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery 17843
17844

of knowledge or skills through competency-based learning models. 17845
Credits or grade level advancement shall not be based on a 17846
minimum number of days or hours in a classroom. 17847

(3) Notwithstanding anything to the contrary in section 17848
3313.48 of the Revised Code, a requirement that schools 17849
operating using an online learning model have an annual 17850
instructional calendar of not less than nine hundred ten hours. 17851

(a) For funding purposes, the department shall reduce the 17852
full-time equivalence proportionally for any student in an 17853
online learning school who participates in less than nine 17854
hundred ten hours per school year. The department shall reduce 17855
state funding for students assigned to an online learning school 17856
operated by a district commensurate with such adjustments to 17857
enrollment. 17858

(b) The department shall develop a review process and make 17859
all adjustments of state funding to districts to reflect any 17860
participation of students in online learning schools for less 17861
than the equivalent of a full school year. 17862

(4) Adequate provisions for: the licensing of teachers, 17863
administrators, and other professional personnel and their 17864
assignment according to training and qualifications; efficient 17865
and effective instructional materials and equipment, including 17866
library facilities; the proper organization, administration, and 17867
supervision of each school, including regulations for preparing 17868
all necessary records and reports and the preparation of a 17869
statement of policies and objectives for each school; buildings, 17870
grounds, and health and sanitary facilities and services; 17871
admission of pupils, and such requirements for their promotion 17872
from grade to grade as will ensure that they are capable and 17873
prepared for the level of study to which they are certified; 17874

requirements for graduation; and such other factors as the board 17875
finds necessary. 17876

(C) This section does not affect any provisions for the 17877
operation of and payments to an internet- or computer-based 17878
community school prescribed in Chapter 3314. of the Revised 17879
Code. 17880

Sec. 3303.02. (A) The act of congress entitled, "An act to 17881
provide for the promotion of vocational education; to provide 17882
for cooperation with the states in the promotion of such 17883
education in agriculture and the trades and industries; to 17884
provide for cooperation with the states in the preparation of 17885
teachers of vocational subjects; and to appropriate money and 17886
regulate its expenditure," is hereby accepted. The ~~state board-~~ 17887
department of education and workforce has authority to accept 17888
supplementary acts for vocational education which are enacted by 17889
congress after September 16, 1957. 17890

(B) The ~~state board of education-~~department shall be the 17891
sole state agency for administration of programs for which 17892
federal funds are received pursuant to acts accepted under this 17893
section. This division does not apply to programs for which 17894
federal funds are received pursuant to the "Job Training 17895
Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C. 1501. 17896

(C) The ~~state board-~~department shall secure the written 17897
approval of the governor prior to submission of any state plan 17898
or application prepared by ~~the board or-~~ the department ~~of-~~ 17899
~~education-~~ to obtain federal funds under any acts accepted under 17900
this section. 17901

Sec. 3303.04. The ~~state board-~~department of education and 17902
workforce may cooperate with the United States department of 17903

education in the administration of the act of congress referred 17904
to in section 3303.02 of the Revised Code and of any legislation 17905
pursuant thereto enacted by the state, and in the administration 17906
of the funds provided by the federal government and by the state 17907
under sections 3303.02 to 3303.06 of the Revised Code, for the 17908
improvement of agricultural, business, distributive, trade and 17909
industrial and home economics subjects, and vocational guidance. 17910
The ~~board~~ department of education and workforce may appoint such 17911
directors, supervisors, and other assistants as are necessary to 17912
carry out such sections, ~~such appointments to be made upon~~ 17913
~~nomination by the superintendent of public instruction.~~ The 17914
salaries and traveling expenses of such directors, supervisors, 17915
and assistants, and such other expenses as are necessary, shall 17916
be paid upon the approval of the ~~board~~ department of education 17917
and workforce. The ~~board~~ department of education and workforce 17918
may formulate plans for the promotion of vocational education in 17919
such subjects as an essential and integral part of the public 17920
school system of education; and provide for the preparation of 17921
teachers of such subjects, and expend federal and state funds 17922
appropriated under sections 3303.02 to 3303.06 of the Revised 17923
Code, for any purposes approved by the United States department 17924
of education. It may make studies and investigations relating to 17925
prevocational and vocational education in such subjects; promote 17926
and aid in the establishment by local communities of schools, 17927
departments, and classes, giving training in such subjects; 17928
cooperate with local communities in the maintenance of such 17929
schools, departments, and classes; establish standards for the 17930
teachers, supervisors, and directors of such subjects; and 17931
cooperate in the maintenance of schools, departments, or classes 17932
supported and controlled by the public for the preparation of 17933
teachers, supervisors, and directors of such subjects. 17934

Sec. 3303.05. Any school, department, or class giving 17935
instruction in agricultural, commercial, industrial, trade, and 17936
home economics subjects approved by the ~~state board~~ department 17937
of education and workforce and any school or college so 17938
approved, training teachers of such subjects, which receives the 17939
benefit of federal moneys is entitled also to receive for the 17940
salaries of teachers of said subjects an allotment of state 17941
money equal in amount to the amount of federal money which it 17942
receives for the same year. 17943

Sec. 3303.06. The treasurer of state is hereby designated 17944
as the custodian of all federal funds received for vocational 17945
education. All money so received or appropriated by the state 17946
for the purposes contemplated in the act of congress referred to 17947
in sections 3303.02 to 3303.06 of the Revised Code, or in acts 17948
supplementary thereto, shall be disbursed upon the order of the 17949
~~state board~~ department of education and workforce. 17950

Sec. 3303.20. The ~~superintendent of public instruction~~ 17951
director of education and workforce shall appoint a supervisor 17952
of agricultural education within the department of education and 17953
workforce. The supervisor shall be responsible for administering 17954
and disseminating to school districts information about 17955
agricultural education. The supervisor also may serve as the 17956
chair of the board of trustees of the Ohio FFA association, and 17957
may assist with the association's programs and activities in a 17958
manner that enables the association to maintain its state 17959
charter and to meet applicable requirements of the United States 17960
department of education and the national FFA organization. This 17961
assistance may include the provision of department personnel, 17962
services, and facilities. 17963

The department shall maintain an appropriate number of 17964

full-time employees focusing on agricultural education. The 17965
department shall employ at least three program consultants who 17966
shall be available to provide assistance to school districts on 17967
a regional basis throughout the state. At least one consultant 17968
may coordinate local activities of the student organization 17969
known as the future farmers of America. Department employees may 17970
not receive compensation from the Ohio FFA association, but the 17971
department may be reimbursed by the association for reasonable 17972
expenses related to assistance provided under this section. 17973

Sec. 3304.12. (A) There is hereby created a state 17974
rehabilitation services council to be known as the opportunities 17975
for Ohioans with disabilities council. The opportunities for 17976
Ohioans with disabilities agency shall provide administrative 17977
support to the council. The council shall consist of the 17978
following members: 17979

(1) An individual who represents a parent training and 17980
information center established in accordance with the federal 17981
"Individuals with Disabilities Education Act," 20 U.S.C. 1400; 17982

(2) A full-time employee of a client assistance program 17983
described in 34 C.F.R. 370.1; 17984

(3) A vocational counselor who has knowledge of and 17985
experience with vocational rehabilitation services; 17986

(4) An individual who represents community rehabilitation 17987
program service providers; 17988

(5) Four individuals each representing business, industry, 17989
or labor interests; 17990

(6) An individual who represents an organization that 17991
advocates on behalf of individuals with physical, cognitive, 17992
sensory, or mental disabilities; 17993

(7) An individual who represents individuals with disabilities who are unable to represent or have difficulty representing themselves;	17994 17995 17996
(8) An individual who has applied for or received vocational rehabilitation services;	17997 17998
(9) An individual who represents institutions of secondary or higher education;	17999 18000
(10) An individual from the governor's executive workforce board established by section 6301.04 of the Revised Code;	18001 18002
(11) An individual from the department of education <u>and workforce</u> with knowledge of and experience with the "Individuals with Disabilities Education Act";	18003 18004 18005
(12) An individual who represents the Ohio statewide independent living council.	18006 18007
A majority of the members of the council shall be individuals with disabilities who are not employed by the opportunities for Ohioans with disabilities agency.	18008 18009 18010
The executive director of the opportunities for Ohioans with disabilities agency shall serve as a nonvoting member of the council. If a member of the council is an employee of the opportunities for Ohioans with disabilities agency, then that member also shall serve as a nonvoting member of the council.	18011 18012 18013 18014 18015
(B) (1) All council members shall be appointed by the governor. The governor shall make initial appointments to the council not later than sixty days after the effective date of this section <u>June 1, 2018</u> . Of the initial appointments, five shall be for terms of three years, five for terms of two years, and five for terms of one year. Thereafter, terms shall be three	18016 18017 18018 18019 18020 18021

years. 18022

(2) When a term expires or a vacancy occurs before a term 18023
expires, a successor member shall be appointed. A member 18024
appointed to fill a vacancy occurring before the expiration of a 18025
term for which the member's predecessor was appointed shall hold 18026
office for the remainder of that term. 18027

(3) Except for the member described in division (A) (2) of 18028
this section and the executive director of the opportunities for 18029
Ohioans with disabilities agency, no person shall serve more 18030
than two consecutive terms on the council. Terms shall be 18031
considered consecutive unless they are separated by a period of 18032
three or more years. In determining a person's eligibility to 18033
serve on the council under this division, both of the following 18034
shall apply: 18035

(a) Time spent on the council while serving the remainder 18036
of an unexpired term to which another person was first appointed 18037
shall not be considered, provided that a period of at least 18038
three years passed between the time, if any, in which the person 18039
previously served on the council and the time the person is 18040
appointed to fulfill the unexpired term. 18041

(b) A person who is appointed to serve on the council at 18042
the beginning of a term and resigns before completing that term 18043
shall be considered to have served the full term. 18044

(C) Each member of the council shall serve without 18045
compensation, except to the extent that serving on the council 18046
is considered part of the member's regular duties of employment. 18047
Each member shall be reimbursed for actual expenses incurred in 18048
the performance of the member's official duties, including 18049
expenses for travel and personal assistance services. 18050

Sec. 3307.01. As used in this chapter:	18051
(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid.	18052 18053 18054 18055 18056 18057 18058
(B)(1) "Teacher" means all of the following:	18059
(a) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3311.77 or 3319.08 of the Revised Code in a position for which the person is required to have a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;	18060 18061 18062 18063 18064 18065
(b) Except as provided in division (B)(2)(b) or (c) of this section, any person employed as a teacher or faculty member in a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;	18066 18067 18068 18069 18070
(c) Any person having a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board <u>department of education and workforce</u> , under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;	18071 18072 18073 18074 18075 18076 18077 18078 18079

(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

(e) The educational employees of the department of education and workforce, as determined by the ~~state~~ superintendent of public instruction director of education and workforce;

(f) Any person having a registration issued pursuant to section 3301.28 of the Revised Code and employed as a tutor by the coordinating service center as defined in that section.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

(2) "Teacher" does not include any of the following:

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code;

(b) Any person employed by a community school operator, as defined in section 3314.02 of the Revised Code, if on or before February 1, 2016, the school's operator was withholding and paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) for persons employed in the school as teachers, unless the person had contributing service in a community school in the state within one year prior to the later of February 1, 2016, or the date on which the operator for the first time

withholds and pays employee and employer taxes pursuant to 26 18109
U.S.C. 3101(a) and 3111(a) for that person; 18110

(c) Any person who would otherwise be a teacher under 18111
division (B) (2) (b) of this section who terminates employment 18112
with a community school operator and has no contributing service 18113
in a community school in the state for a period of at least one 18114
year from the date of termination of employment. 18115

(C) "Member" means any person included in the membership 18116
of the state teachers retirement system, which shall consist of 18117
all teachers and contributors as defined in divisions (B) and 18118
(D) of this section and all disability benefit recipients, as 18119
defined in section 3307.50 of the Revised Code. However, for 18120
purposes of this chapter, the following persons shall not be 18121
considered members: 18122

(1) A student, intern, or resident who is not a member 18123
while employed part-time by a school, college, or university at 18124
which the student, intern, or resident is regularly attending 18125
classes; 18126

(2) A person denied membership pursuant to section 3307.24 18127
of the Revised Code; 18128

(3) An other system retirant, as defined in section 18129
3307.35 of the Revised Code, or a superannuate; 18130

(4) An individual employed in a program established 18131
pursuant to the "Job Training Partnership Act," 96 Stat. 1322 18132
(1982), 29 U.S.C.A. 1501; 18133

(5) The surviving spouse of a member or retirant if the 18134
surviving spouse's only connection to the retirement system is 18135
an account in an STRS defined contribution plan. 18136

(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund, except that "contributor" does not mean a member or retirant's surviving spouse with an account in an STRS defined contribution plan.

(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.

(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.

(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.

(J) "Actuary" means an actuarial professional contracted with or employed by the state teachers retirement board, who shall be either of the following:

(1) A member of the American academy of actuaries;	18166
(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	18167 18168
(K) "Fiduciary" means a person who does any of the following:	18169 18170
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	18171 18172 18173
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	18174 18175
(3) Has any discretionary authority or responsibility in the administration of the system.	18176 18177
(L) (1) (a) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	18178 18179 18180 18181 18182 18183 18184 18185 18186 18187
(b) Except as provided in division (L) (1) (c) of this section, "compensation" includes amounts paid by an employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement if the retirement system receives both of the following:	18188 18189 18190 18191 18192 18193

(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the state teachers retirement board, for each year or portion of a year for which amounts are paid under the order or agreement;

(ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each year or portion of a year not subject to division (L) (1) (b) (i) of this section for which the board determines the teacher was improperly paid, regardless of the teacher's ability to recover on such amounts improperly paid.

(c) If any portion of an amount paid by an employer as a retroactive payment of earnings, damages, or back pay is for an amount, benefit, or payment described in division (L) (2) of this section, that portion of the amount is not compensation under this section.

(2) Compensation does not include any of the following:

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;

(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter or Chapter 145. or 3309. of the Revised Code are paid;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;	18223 18224 18225 18226 18227
(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	18228 18229 18230 18231 18232 18233
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L) (2) of this section;	18234 18235 18236
(g) Payments by the employer for services not actually rendered;	18237 18238
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	18239 18240 18241
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	18242 18243 18244 18245 18246 18247 18248
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under	18249 18250 18251

section 3319.22 of the Revised Code that is paid in accordance 18252
with uniform criteria applicable to all members employed by the 18253
board in positions requiring the licenses; 18254

(iii) A retroactive increase paid to a member employed by 18255
a school district board of education as a superintendent that is 18256
also paid as described in division (L) (2) (h) (i) of this section; 18257

(iv) A retroactive increase paid to a member employed by 18258
an employer other than a school district board of education in 18259
accordance with uniform criteria applicable to all members 18260
employed by the employer. 18261

(i) Payments made to or on behalf of a teacher that are in 18262
excess of the annual compensation that may be taken into account 18263
by the retirement system under division (a) (17) of section 401 18264
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 18265
U.S.C.A. 401(a) (17), as amended. For a teacher who first 18266
establishes membership before July 1, 1996, the annual 18267
compensation that may be taken into account by the retirement 18268
system shall be determined under division (d) (3) of section 18269
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 18270
L. No. 103-66, 107 Stat. 472. 18271

(j) Payments made under division (B), (C), or (E) of 18272
section 5923.05 of the Revised Code, Section 4 of Substitute 18273
Senate Bill No. 3 of the 119th general assembly, Section 3 of 18274
Amended Substitute Senate Bill No. 164 of the 124th general 18275
assembly, or Amended Substitute House Bill No. 405 of the 124th 18276
general assembly; 18277

(k) Anything of value received by the teacher that is 18278
based on or attributable to retirement or an agreement to 18279
retire. 18280

(3) The retirement board shall determine both of the following:	18281 18282
(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;	18283 18284
(b) Whether any form of earnings not enumerated in this division is to be included in compensation.	18285 18286
Decisions of the board made under this division shall be final.	18287 18288
(M) "Superannuate" means both of the following:	18289
(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;	18290 18291 18292
(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.	18293 18294 18295 18296 18297
For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.	18298 18299 18300 18301 18302
(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.	18303 18304
(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section.	18305 18306 18307

(P) "Faculty" means the teaching staff of a university, 18308
college, or school, including any academic administrators. 18309

Sec. 3307.05. The state teachers retirement board shall 18310
consist of the following members: 18311

(A) The ~~superintendent of public instruction~~ director of 18312
education and workforce or a designee of the ~~superintendent~~ 18313
director who has the following qualifications: 18314

(1) The designee is a resident of this state. 18315

(2) Within the three years immediately preceding the 18316
appointment, the designee has not been employed by the public 18317
employees retirement system, police and fire pension fund, state 18318
teachers retirement system, school employees retirement system, 18319
or state highway patrol retirement system or by any person, 18320
partnership, or corporation that has provided to one of those 18321
retirement systems services of a financial or investment nature, 18322
including the management, analysis, supervision, or investment 18323
of assets. 18324

(3) The designee has direct experience in the management, 18325
analysis, supervision, or investment of assets. 18326

(B) One member, known as the treasurer of state's 18327
investment designee, who shall be appointed by the treasurer of 18328
state for a term of four years and have the following 18329
qualifications: 18330

(1) The member is a resident of this state. 18331

(2) Within the three years immediately preceding the 18332
appointment, the member has not been employed by the public 18333
employees retirement system, police and fire pension fund, state 18334
teachers retirement system, school employees retirement system, 18335

or state highway patrol retirement system or by any person, 18336
partnership, or corporation that has provided to one of those 18337
retirement systems services of a financial or investment nature, 18338
including management, analysis, supervision, or investment of 18339
assets. 18340

(3) The member has direct experience in the management, 18341
analysis, supervision, or investment of assets. 18342

(4) The member is not currently employed by the state or a 18343
political subdivision of the state. 18344

(C) Two members, known as the investment expert members, 18345
who shall be appointed for four-year terms. One investment 18346
expert member shall be appointed by the governor, and one 18347
investment expert member shall be jointly appointed by the 18348
speaker of the house of representatives and the president of the 18349
senate. Each investment expert member shall have the following 18350
qualifications: 18351

(1) Each member shall be a resident of this state. 18352

(2) Within the three years immediately preceding the 18353
appointment, each member shall not have been employed by the 18354
public employees retirement system, police and fire pension 18355
fund, state teachers retirement system, school employees 18356
retirement system, or state highway patrol retirement system or 18357
by any person, partnership, or corporation that has provided to 18358
one of those retirement systems services of a financial or 18359
investment nature, including the management, analysis, 18360
supervision, or investment of assets. 18361

(3) Each member shall have direct experience in the 18362
management, analysis, supervision, or investment of assets. 18363

Any investment expert member appointed to fill a vacancy 18364

occurring prior to the expiration of the term for which the 18365
member's predecessor was appointed shall hold office until the 18366
end of such term. The member shall continue in office subsequent 18367
to the expiration date of the member's term until the member's 18368
successor takes office, or until a period of sixty days has 18369
elapsed, whichever occurs first. 18370

(D) Five members, known as contributing members, who shall 18371
be members of the state teachers retirement system; 18372

(E) Two former members of the system, known as retired 18373
teacher members, who shall be superannuates who are not 18374
otherwise employed in positions requiring them to make 18375
contributions to the system. 18376

Sec. 3307.31. (A) Payments by boards of education and 18377
governing authorities of community schools to the state teachers 18378
retirement system, as provided in sections 3307.29 and 3307.291 18379
of the Revised Code, shall be made from the amount allocated 18380
under Chapter 3317. of the Revised Code prior to its 18381
distribution to the individual school districts or community 18382
schools. The amount due from each school district or community 18383
school shall be certified by the secretary of the system to the 18384
~~superintendent of public instruction~~ department of education and 18385
workforce monthly, or at such times as may be determined by the 18386
state teachers retirement board. 18387

The ~~superintendent~~ department shall deduct, from the 18388
amount allocated to each district or community school under 18389
Chapter 3317. of the Revised Code, the entire amounts due to the 18390
system from such district or school upon the certification to 18391
the ~~superintendent~~ department by the secretary thereof. 18392

The ~~superintendent~~ department shall certify to the 18393

director of budget and management the amounts thus due the 18394
system for payment. 18395

(B) Payments to the state teachers retirement system by a 18396
science, technology, engineering, and mathematics school shall 18397
be deducted from the amount allocated under section 3317.022 of 18398
the Revised Code and shall be made in the same manner as 18399
payments by boards of education under this section. 18400

Sec. 3309.011. "Employee" as defined in division (B) of 18401
section 3309.01 of the Revised Code, does not include any of the 18402
following: 18403

(A) Any person having a license or registration issued 18404
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 18405
employed in a public school in this state in an educational 18406
position, as determined by the ~~state board~~ department of 18407
education and workforce, under programs provided for by federal 18408
acts or regulations and financed in whole or in part from 18409
federal funds, but for which no licensure requirements for the 18410
position can be made under the provisions of such federal acts 18411
or regulations; 18412

(B) Any person who participates in an alternative 18413
retirement plan established under Chapter 3305. of the Revised 18414
Code; 18415

(C) Any person who elects to transfer from the school 18416
employees retirement system to the public employees retirement 18417
system under section 3309.312 of the Revised Code; 18418

(D) Any person whose full-time employment by the 18419
university of Akron as a state university law enforcement 18420
officer pursuant to section 3345.04 of the Revised Code 18421
commences on or after September 16, 1998; 18422

(E) Any person described in division (B) of section 18423
3309.013 of the Revised Code; 18424

(F) Any person described in division (D) of section 18425
145.011 of the Revised Code; 18426

(G) Any person described in division (B) (1) (b) of section 18427
3307.01 of the Revised Code. 18428

Sec. 3309.48. Any employee who left the service of an 18429
employer after attaining age sixty-five or over and such 18430
employer had failed or refused to deduct and transmit to the 18431
school employees retirement system the employee contributions as 18432
required by section 3309.47 of the Revised Code during any year 18433
for which membership was compulsory as determined by the school 18434
employees retirement board, shall be granted service credit 18435
without cost, which shall be considered as total service credit 18436
for the purposes of meeting the qualifications for service 18437
retirement provided by the law in effect on and retroactive to 18438
the first eligible retirement date following the date such 18439
employment terminated, but shall not be paid until formal 18440
application for such allowance on a form provided by the 18441
retirement board is received in the office of the retirement 18442
system. The total service credit granted under this section 18443
shall not exceed ten years for any such employee. 18444

The liability incurred by the retirement board because of 18445
the service credit granted under this section shall be 18446
determined by the retirement board, the cost of which shall be 18447
equal to an amount that is determined by applying the combined 18448
employee and employer rates of contribution against the 18449
compensation of such employee at the rates of contribution and 18450
maximum salary provisions in effect during such employment for 18451
each year for which credit is granted, together with interest at 18452

the rate to be credited accumulated contributions at retirement, 18453
compounded annually from the first day of the month payment was 18454
due the retirement system to and including the month of deposit, 18455
the total amount of which shall be collected from the employer. 18456
Such amounts shall be certified by the retirement board to the 18457
~~superintendent of public instruction, who~~ department of 18458
education and workforce, which shall deduct the amount due the 18459
system from any funds due the affected school district under 18460
Chapter 3317. of the Revised Code. The ~~superintendent~~ department 18461
shall certify to the director of budget and management the 18462
amount due the system for payment. The total amount paid shall 18463
be deposited into the employers' trust fund, and shall not be 18464
considered as accumulated contributions of the employee in the 18465
event of the employee's death or withdrawal of funds. 18466

Sec. 3309.491. (A) An actuary employed by the school 18467
employees retirement board shall annually determine the minimum 18468
annual compensation amount for each member that will be needed 18469
to fund the cost of providing future health care benefits under 18470
section 3309.69 of the Revised Code. The amount determined by 18471
the actuary under this division shall be approved by the board 18472
and shall be known as the "minimum compensation amount." 18473

(B) (1) The secretary of the school employees retirement 18474
board shall annually determine for each employer the "employer 18475
minimum compensation contribution." 18476

Subject to division (B) (2) of this section, the amount 18477
determined shall be the lesser of the following: 18478

(a) An amount equal to two per cent of the compensation of 18479
all members employed by the employer during the prior year; 18480

(b) The total of the amounts determined as follows for 18481

each member whose compensation for the prior year was less than 18482
the minimum compensation amount: 18483

(i) Subtract the member's compensation for the prior year 18484
from the minimum compensation amount; 18485

(ii) Multiply the remainder obtained under division (B) (1) 18486
(b) (i) of this section by one, or if the member earned less than 18487
a year's service credit for the prior year, by the same fraction 18488
as the fraction of a year's service credit credited to the 18489
member under section 3309.30 of the Revised Code; 18490

(iii) Multiply the product obtained under division (B) (1) 18491
(b) (ii) of this section by the employer contribution rate in 18492
effect for the year the service credit was earned. 18493

(2) If the total of the employer minimum contribution 18494
amounts determined under division (B) (1) of this section exceeds 18495
one and one-half per cent of the compensation of all members 18496
employed by employers required to pay the employer minimum 18497
compensation contribution, the school employees retirement board 18498
shall reduce the amount determined for each employer so that the 18499
total amount determined does not exceed one and one-half per 18500
cent of the compensation of all members employed by employers 18501
required to pay the employer minimum compensation contribution. 18502
Any reduction shall be applied to each employer in the same 18503
proportion as the employer's minimum compensation contribution 18504
bears to the total employer minimum compensation contribution. 18505

(C) The secretary shall annually certify to each employer 18506
the employer minimum compensation contribution determined under 18507
division (B) of this section. In addition to the employer 18508
contribution required by section 3309.49 of the Revised Code, 18509
each employer shall pay annually to the employers' trust fund 18510

the amount certified to the employer under this division. 18511

(D) Annually by the first day of August, the secretary 18512
shall submit to the ~~superintendent of public instruction~~ 18513
department of education and workforce a list of the payments 18514
made by each employer under this section during the preceding 18515
fiscal year. 18516

Sec. 3309.51. (A) Each employer shall pay into the 18517
employers' trust fund, monthly or at such times as the school 18518
employees retirement board requires, an amount certified by the 18519
school employees retirement board, which shall be as required by 18520
Chapter 3309. of the Revised Code. 18521

Payments by school district boards of education to the 18522
employers' trust fund of the school employees retirement system 18523
may be made from the amounts allocated under Chapter 3317. of 18524
the Revised Code prior to their distribution to the individual 18525
school districts. The amount due from each school district may 18526
be certified by the secretary of the system to the 18527
~~superintendent of public instruction~~ department of education and 18528
workforce monthly, or at such times as is determined by the 18529
school employees retirement board. 18530

Payments by governing authorities of community schools to 18531
the employers' trust fund of the school employees retirement 18532
system shall be made from the amounts allocated under section 18533
3317.022 of the Revised Code prior to their distribution to the 18534
individual community schools. The amount due from each community 18535
school shall be certified by the secretary of the system to the 18536
~~superintendent of public instruction~~ department monthly, or at 18537
such times as determined by the school employees retirement 18538
board. 18539

Payments by a science, technology, engineering, and 18540
mathematics school to the employers' trust fund of the school 18541
employees retirement system shall be made from the amounts 18542
allocated under section 3317.022 of the Revised Code prior to 18543
their distribution to the school. The amount due from a science, 18544
technology, engineering, and mathematics school shall be 18545
certified by the secretary of the school employees retirement 18546
system to the ~~superintendent of public instruction~~ department 18547
monthly, or at such times as determined by the school employees 18548
retirement board. 18549

(B) The ~~superintendent~~ department shall deduct from the 18550
amount allocated to each community school, to each school 18551
district, or to each science, technology, engineering, and 18552
mathematics school under Chapter 3317. of the Revised Code the 18553
entire amounts due to the school employees retirement system 18554
from such school or school district upon the certification to 18555
the ~~superintendent~~ department by the secretary thereof. 18556

(C) Where an employer fails or has failed or refuses to 18557
make payments to the employers' trust fund, as provided for 18558
under Chapter 3309. of the Revised Code, or fails to pay any 18559
penalty imposed under section 3309.571 of the Revised Code the 18560
secretary of the school employees retirement system may certify 18561
to the ~~state superintendent of public instruction~~ department, 18562
monthly or at such times as is determined by the school 18563
employees retirement board, the amount due from such employer, 18564
and the ~~superintendent~~ department shall deduct from the amount 18565
allocated to the employer under Chapter 3317. of the Revised 18566
Code, the entire amounts due to the system from the employer 18567
upon the certification to the ~~superintendent~~ department by the 18568
secretary of the school employees retirement system. 18569

(D) The ~~superintendent~~department shall certify to the 18570
director of budget and management the amounts thus due the 18571
system for payment. 18572

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of 18573
the Revised Code: 18574

(A) "Chartered nonpublic school" means a nonpublic school 18575
that holds a valid charter issued by the ~~state board~~director of 18576
education and workforce under section 3301.16 of the Revised 18577
Code and meets the standards established for such schools in 18578
rules adopted by the ~~state board~~director. 18579

(B) An "eligible student" is a student who satisfies the 18580
conditions specified in section 3310.03 or 3310.032 of the 18581
Revised Code. 18582

(C) "Parent" has the same meaning as in section 3313.98 of 18583
the Revised Code. 18584

(D) "Resident district" means the school district in which 18585
a student is entitled to attend school under section 3313.64 or 18586
3313.65 of the Revised Code. 18587

(E) "School year" has the same meaning as in section 18588
3313.62 of the Revised Code. 18589

Sec. 3310.02. The educational choice scholarship pilot 18590
program is hereby established. Under the program, the department 18591
of education and workforce annually shall pay scholarships to 18592
attend chartered nonpublic schools in accordance with section 18593
3317.022 of the Revised Code. 18594

Sec. 3310.03. For the 2021-2022 school year and each 18595
school year thereafter, subject to division (G) of this section, 18596
a student is an "eligible student" for purposes of the 18597

educational choice scholarship pilot program if the student's 18598
resident district is not a school district in which the pilot 18599
project scholarship program is operating under sections 3313.974 18600
to 3313.979 of the Revised Code, the student satisfies one of 18601
the conditions in division (A), (B), or (C) of this section, and 18602
the student maintains eligibility to receive a scholarship under 18603
division (D) of this section. 18604

However, any student who received a scholarship for the 18605
2020-2021 school year under this section, as it existed prior to 18606
March 2, 2021, shall continue to receive that scholarship until 18607
the student completes grade twelve, as long as the student 18608
maintains eligibility to receive a scholarship under division 18609
(D) of this section. 18610

(A) (1) A student is eligible for a scholarship if the 18611
student is enrolled in a school building operated by the 18612
student's resident district and to which both of the following 18613
apply: 18614

(a) The building was ranked in the lowest twenty per cent 18615
of all buildings operated by city, local, and exempted village 18616
school districts according to performance index score as 18617
determined by the department of education and workforce, as 18618
follows: 18619

(i) For a scholarship sought for the 2021-2022 or 2022- 18620
2023 school year, the building was ranked in the lowest twenty 18621
per cent of buildings for each of the 2017-2018 and 2018-2019 18622
school years. 18623

(ii) For a scholarship sought for the 2023-2024 school 18624
year, the building was ranked in the lowest twenty per cent of 18625
buildings for each of the 2018-2019 and 2021-2022 school years. 18626

(iii) For a scholarship sought for the 2024-2025 school year, the building was ranked in the lowest twenty per cent of buildings for each of the 2021-2022 and 2022-2023 school years.

(iv) For a scholarship sought for the 2025-2026 school year or any school year thereafter, the building was ranked in the lowest twenty per cent of buildings for at least two of the three most recent consecutive rankings issued prior to the first day of July of the school year for which a scholarship is sought.

(b) The building is operated by a school district in which, for the three consecutive school years prior to the school year for which a scholarship is sought, an average of twenty per cent or more of the students entitled to attend school in the district, under section 3313.64 or 3313.65 of the Revised Code, were qualified to be included in the formula to distribute funds under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.

When ranking school buildings under division (A) (1) of this section, the department shall not include buildings operated by a school district in which the pilot project scholarship program is operating in accordance with sections 3313.974 to 3313.979 of the Revised Code.

(2) A student is eligible for a scholarship if the student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is

sought, to a school building described in division (A) (1) of 18657
this section. 18658

(3) A student is eligible for a scholarship if the student 18659
is enrolled in a community school established under Chapter 18660
3314. of the Revised Code but otherwise would be assigned under 18661
section 3319.01 of the Revised Code to a building described in 18662
division (A) (1) of this section. 18663

(4) A student is eligible for a scholarship if the student 18664
is enrolled in a school building operated by the student's 18665
resident district or in a community school established under 18666
Chapter 3314. of the Revised Code and otherwise would be 18667
assigned under section 3319.01 of the Revised Code to a school 18668
building described in division (A) (1) of this section in the 18669
school year for which the scholarship is sought. 18670

(5) A student is eligible for a scholarship if the student 18671
was enrolled in a public or nonpublic school or was homeschooled 18672
in the prior school year and completed any of grades eight 18673
through eleven in that school year and otherwise would be 18674
assigned under section 3319.01 of the Revised Code to a school 18675
building described in division (A) (1) of this section in the 18676
school year for which the scholarship is sought. 18677

(B) A student is eligible for a scholarship if the student 18678
is enrolled in a nonpublic school at the time the school is 18679
granted a charter by the ~~state board~~ director of education and 18680
workforce under section 3301.16 of the Revised Code and the 18681
student meets the standards of division (B) of section 3310.031 18682
of the Revised Code. 18683

(C) A student is eligible for a scholarship if the 18684
student's resident district is subject to section 3302.10 of the 18685

Revised Code and the student either: 18686

(1) Is enrolled in a school building operated by the 18687
resident district or in a community school established under 18688
Chapter 3314. of the Revised Code; 18689

(2) Will be both enrolling in any of grades kindergarten 18690
through twelve in this state for the first time and at least 18691
five years of age by the first day of January of the school year 18692
for which a scholarship is sought. 18693

(D) A student who receives a scholarship under the 18694
educational choice scholarship pilot program remains an eligible 18695
student and may continue to receive scholarships in subsequent 18696
school years until the student completes grade twelve, so long 18697
as all of the following apply: 18698

(1) The student's resident district remains the same, or 18699
the student transfers to a new resident district and otherwise 18700
would be assigned in the new resident district to a school 18701
building described in division (A) (1) or (C) of this section. 18702

(2) The student takes each assessment prescribed for the 18703
student's grade level under section 3301.0710, 3301.0712, or 18704
3313.619 of the Revised Code while enrolled in a chartered 18705
nonpublic school, unless one of the following applies to the 18706
student: 18707

(a) The student is excused from taking that assessment 18708
under federal law, the student's individualized education 18709
program, or division (C) (1) (c) (i) of section 3301.0711 of the 18710
Revised Code. 18711

(b) The student is enrolled in a chartered nonpublic 18712
school that meets the conditions specified in division (K) (2) or 18713
(L) (4) of section 3301.0711 of the Revised Code. 18714

(c) The student is enrolled in any of grades three to 18715
eight and takes an alternative standardized assessment under 18716
division (K) (1) of section 3301.0711 of the Revised Code. 18717

(d) The student is excused from taking the assessment 18718
prescribed under division (B) (1) of section 3301.0712 of the 18719
Revised Code pursuant to division (C) (1) (c) (ii) of section 18720
3301.0711 of the Revised Code. 18721

(3) In each school year that the student is enrolled in a 18722
chartered nonpublic school, the student is absent from school 18723
for not more than twenty days that the school is open for 18724
instruction, not including excused absences. 18725

(E) (1) The department shall cease awarding first-time 18726
scholarships pursuant to divisions (A) (1) to (5) of this section 18727
with respect to a school building that, in the most recent 18728
ratings of school buildings under section 3302.03 of the Revised 18729
Code prior to the first day of July of the school year, ceases 18730
to meet the criteria in division (A) (1) of this section. 18731

(2) The department shall cease awarding first-time 18732
scholarships pursuant to division (C) of this section with 18733
respect to a school district subject to section 3302.10 of the 18734
Revised Code when the academic distress commission established 18735
for the district ceases to exist. 18736

(3) However, students who have received scholarships in 18737
the prior school year remain eligible students pursuant to 18738
division (D) of this section. 18739

(F) The ~~state board of education~~ department shall adopt 18740
rules defining excused absences for purposes of division (D) (3) 18741
of this section. 18742

(G) Notwithstanding anything to the contrary in this 18743

section or section 3310.031 of the Revised Code, a student shall 18744
not be required to be enrolled or enrolling in a school building 18745
operated by the student's resident district or a community 18746
school in order to be eligible for a scholarship, as follows: 18747

(1) For a scholarship sought for the 2021-2022 school 18748
year, a student entering any of grades kindergarten through two; 18749

(2) For a scholarship sought for the 2022-2023 school 18750
year, a student entering any of grades kindergarten through 18751
four; 18752

(3) For a scholarship sought for the 2023-2024 school 18753
year, a student entering any of grades kindergarten through six; 18754

(4) For a scholarship sought for the 2024-2025 school 18755
year, a student entering any of grades kindergarten through 18756
eight; 18757

(5) For a scholarship sought for the 2025-2026 school 18758
year, and each school year thereafter, a student entering any of 18759
grades kindergarten through twelve. 18760

Sec. 3310.031. (A) The ~~state board~~ department of education 18761
and workforce shall adopt rules under section 3310.17 of the 18762
Revised Code establishing procedures for granting educational 18763
choice scholarships to eligible students attending a nonpublic 18764
school at the time the ~~state board~~ director of education and 18765
workforce grants the school a charter under section 3301.16 of 18766
the Revised Code. The procedures shall include at least the 18767
following: 18768

(1) Provisions for extending the application period for 18769
scholarships for the following school year, if necessary due to 18770
the timing of the award of the nonpublic school's charter, in 18771
order for students enrolled in the school at the time the 18772

charter is granted to apply for scholarships for the following 18773
school year; 18774

(2) Provisions for notifying the resident districts of the 18775
nonpublic school's students that the nonpublic school has been 18776
granted a charter and that educational choice scholarships may 18777
be awarded to the school's students for the following school 18778
year. 18779

(B) A student who is enrolled in a nonpublic school at the 18780
time the school's charter is granted is an eligible student if 18781
~~either of the following applies:~~ 18782

~~(1) For a scholarship sought for the 2020-2021 school-~~ 18783
~~year, the student satisfies division (B) of this section as it~~ 18784
~~existed prior to the effective date of this amendment and any~~ 18785
~~related condition prescribed by section 3310.03 of the Revised~~ 18786
~~Code, as it existed prior to the effective date of this~~ 18787
~~amendment.~~ 18788

~~(2) For a scholarship sought for the 2021-2022 school year-~~ 18789
~~or any school year thereafter, the student satisfies any of the~~ 18790
following conditions: 18791

~~(a)~~ (1) At the end of the last school year before the 18792
student enrolled in the nonpublic school, the student was 18793
enrolled in a school building operated by the student's resident 18794
district or in a community school established under Chapter 18795
3314. of the Revised Code and, for the current or following 18796
school year, the student otherwise would be assigned under 18797
section 3319.01 of the Revised Code to a school building 18798
described in division (A) (1) of section 3310.03 of the Revised 18799
Code. 18800

~~(b)~~ (2) The student was not enrolled in any public or 18801

other nonpublic school before the student enrolled in the 18802
nonpublic school and, for the current or following school year, 18803
otherwise would be assigned under section 3319.01 of the Revised 18804
Code to a school building described in division (A) (1) of 18805
section 3310.03 of the Revised Code. 18806

~~(e)~~ (3) At the end of the last school year before the 18807
student enrolled in the nonpublic school, the student was 18808
enrolled in a school building operated by the student's resident 18809
district and, during that school year, the building met the 18810
conditions described in division (A) (1) of section 3310.03 of 18811
the Revised Code. 18812

~~(d)~~ (4) At the end of the last school year before the 18813
student enrolled in the nonpublic school, the student was 18814
enrolled in a community school established under Chapter 3314. 18815
of the Revised Code but otherwise would have been assigned under 18816
section 3319.01 of the Revised Code to a school building that, 18817
during that school year, met the conditions described in 18818
division (A) (1) of section 3310.03 of the Revised Code. 18819

Sec. 3310.032. (A) A student is an "eligible student" for 18820
purposes of the expansion of the educational choice scholarship 18821
pilot program under this section if the student's resident 18822
district is not a school district in which the pilot project 18823
scholarship program is operating under sections 3313.974 to 18824
3313.979 of the Revised Code, the student is not eligible for an 18825
educational choice scholarship under section 3310.03 of the 18826
Revised Code, and either of the following apply: 18827

(1) The student's family income is at or below two hundred 18828
fifty per cent of the federal poverty guidelines, as defined in 18829
section 5101.46 of the Revised Code, when the student applies 18830
for a scholarship under this section. 18831

(2) The student's sibling, as defined in section 3310.033 of the Revised Code, receives a scholarship under this section for at least one of the following:

(a) For the school year immediately prior to the school year for which the student is seeking a scholarship;

(b) For the school year for which the student is seeking a scholarship.

(B) In each fiscal year for which the general assembly appropriates funds for purposes of this section, the department of education and workforce shall pay scholarships to attend chartered nonpublic schools in accordance with section 3317.022 of the Revised Code. The number of scholarships awarded under this section shall not exceed the number that can be funded for that school year as authorized by the general assembly.

(C) Scholarships under this section shall be awarded as follows:

(1) For the 2013-2014 school year, to eligible students who are entering kindergarten in that school year for the first time;

(2) For each subsequent school year through the 2019-2020 school year, scholarships shall be awarded to eligible students in the next grade level above the highest grade level awarded in the preceding school year, in addition to the grade levels for which students received scholarships in the preceding school year;

(3) Beginning with the 2020-2021 school year, to eligible students who are entering any of grades kindergarten through twelve in that school year for the first time.

(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall award scholarships in the following order of priority:

(1) First, to eligible students who received scholarships under this section in the prior school year;

(2) Second, to eligible students with family incomes at or below one hundred per cent of the federal poverty guidelines. If the number of students described in division (D) (2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (D) (1) of this section, the department shall select students described in division (D) (2) of this section by lot to receive any remaining scholarships.

(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D) (3) of this section exceeds the number of available scholarships after awards are made under divisions (D) (1) and (2) of this section, the department shall select students described in division (D) (3) of this section by lot to receive any remaining scholarships.

(E) A student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D) (2) and (3) of section 3310.03 of the Revised Code.

Once a scholarship is awarded under this section, the

student shall remain eligible for that scholarship for the 18889
current school year and subsequent school years even if the 18890
student's family income rises above the amount specified in 18891
division (A) of this section, provided the student remains 18892
enrolled in a chartered nonpublic school. 18893

Sec. 3310.033. (A) As used in this section: 18894

(1) "Foster child" means a child placed with a foster 18895
caregiver, as defined in section 5103.02 of the Revised Code. 18896

(2) "Qualifying student" means a student who is not 18897
entitled to attend school under section 3313.64 or 3313.65 of 18898
the Revised Code in a school district in which the pilot project 18899
scholarship program is operating under sections 3313.974 to 18900
3313.979 of the Revised Code. 18901

(3) "Kinship caregiver" has the same meaning as in section 18902
5101.85 of the Revised Code. 18903

(4) "Sibling" means any of the following: 18904

(a) A brother, half-brother, sister, or half-sister by 18905
birth, marriage, or adoption; 18906

(b) A cousin by birth, marriage, or adoption who is 18907
residing in the same household; 18908

(c) A foster child who is residing in the same household, 18909
including a child who is subsequently adopted by the child's 18910
foster family; 18911

(d) A child residing in the same household who is placed 18912
with a guardian or legal custodian; 18913

(e) A child who is residing in the same household and is 18914
being cared for by a kinship caregiver; 18915

(f) Any other child under eighteen years of age who has 18916
resided in the same household for at least forty-five 18917
consecutive days within the last calendar year. 18918

(5) "Caretaker" means the parent of a minor child or a 18919
relative acting in the parent's place. "Caretaker" also means 18920
another responsible adult who has care of the child and in whose 18921
household the child resides and, if not for residing in that 18922
household, the child would be homeless or likely to be homeless. 18923

(B) Notwithstanding anything in the Revised Code to the 18924
contrary, a qualifying student shall be eligible for an 18925
educational choice scholarship under section 3310.03 of the 18926
Revised Code, regardless of whether the student is enrolled in a 18927
school building described in division (A) (1) or (C) of that 18928
section, if any of the following apply: 18929

(1) The student's sibling received an educational choice 18930
scholarship under section 3310.03 of the Revised Code for the 18931
school year immediately prior to the school year for which the 18932
student is seeking a scholarship; 18933

(2) The student is a foster child; 18934

(3) The student is a child placed with a guardian, legal 18935
custodian, or kinship caregiver; 18936

(4) The student is not a child placed with a guardian, 18937
legal custodian, or kinship caregiver, but has resided in the 18938
same household as such a child for at least forty-five 18939
consecutive days within the last calendar year; 18940

(5) The student is not a foster child, but resides in a 18941
home that has received certification under section 5103.03 of 18942
the Revised Code; 18943

(6) The student satisfies all of the following conditions:	18944
(a) The student is not a foster child or a student described in division (B) (4) of this section.	18945 18946
(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.	18947 18948 18949 18950 18951
(c) The student's parent or guardian resides in this state.	18952 18953
(7) The student is not a child described in division (B) (6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.	18954 18955 18956 18957
(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D) (2) and (3) of section 3310.03 of the Revised Code.	18958 18959 18960 18961 18962 18963 18964
(D) The department of education <u>and workforce</u> may request any individual applying for a scholarship under this section on behalf of a qualifying student to provide appropriate documentation, as defined by the department, that the student meets the eligibility qualifications prescribed under this section. In the case of a student who qualifies under division (B) (6) of this section, such documentation shall be provided by the student's parent, guardian, or caretaker.	18965 18966 18967 18968 18969 18970 18971 18972

Sec. 3310.036. If a student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code for a school year as of the first day of February prior to that school year, that student's eligibility for a scholarship for that school year shall not change solely because, after the first day of February, the department of education and workforce changes the internal retrieval number of the school building in which the student is enrolled or would otherwise be assigned.

Sec. 3310.07. (A) Any parent, or any student who is at least eighteen years of age, who is seeking a scholarship under the educational choice scholarship pilot program shall notify the department of education and workforce of the student's and parent's names and address, the chartered nonpublic school in which the student has been accepted for enrollment, and the tuition charged by the school.

(B) Not later than February 1, 2022, the department shall establish a system under which any parent, or any student who is at least eighteen years of age, may provide the department with a student's address and, not later than ten days after receiving the address, the department shall notify the parent, or student, using regular mail or electronic mail whether the student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code. The student's resident district shall not be permitted to object to a student's eligibility for an educational choice scholarship under that section if the department's system determines the student is eligible.

For the purposes of division (B) of this section, not later than the first day of January of each year, each school district that has a school building described in division (A) (1) or (C) of section 3310.03 of the Revised Code shall submit to

the department, in the manner prescribed by the department, the 19003
attendance zone for students assigned to that building. 19004

Sec. 3310.11. (A) Only for the purpose of administering 19005
the educational choice scholarship pilot program, the department 19006
of education and workforce may request from any of the following 19007
entities the data verification code assigned under division (D) 19008
(2) of section 3301.0714 of the Revised Code to any student who 19009
is seeking a scholarship under the program: 19010

(1) The student's resident district; 19011

(2) If applicable, the community school in which that 19012
student is enrolled; 19013

(3) The independent contractor engaged to create and 19014
maintain student data verification codes. 19015

(B) Upon a request by the department under division (A) of 19016
this section for the data verification code of a student seeking 19017
a scholarship or a request by the student's parent for that 19018
code, the school district or community school shall submit that 19019
code to the department or parent in the manner specified by the 19020
department. If the student has not been assigned a code, because 19021
the student will be entering kindergarten during the school year 19022
for which the scholarship is sought, the district shall assign a 19023
code to that student and submit the code to the department or 19024
parent by a date specified by the department. If the district 19025
does not assign a code to the student by the specified date, the 19026
department shall assign a code to that student. 19027

The department annually shall submit to each school 19028
district the name and data verification code of each student 19029
residing in the district who is entering kindergarten, who has 19030
been awarded a scholarship under the program, and for whom the 19031

department has assigned a code under this division. 19032

(C) For the purpose of administering the applicable 19033
assessments prescribed under sections 3301.0710 and 3301.0712 of 19034
the Revised Code, as required by section 3310.14 of the Revised 19035
Code, the department shall provide to each chartered nonpublic 19036
school that enrolls a scholarship student the data verification 19037
code for that student. 19038

(D) The department and each chartered nonpublic school 19039
that receives a data verification code under this section shall 19040
not release that code to any person except as provided by law. 19041

Any document relative to this program that the department 19042
holds in its files that contains both a student's name or other 19043
personally identifiable information and the student's data 19044
verification code shall not be a public record under section 19045
149.43 of the Revised Code. 19046

Sec. 3310.13. (A) No chartered nonpublic school shall 19047
charge any student whose family income is at or below two 19048
hundred per cent of the federal poverty guidelines, as defined 19049
in section 5101.46 of the Revised Code, a tuition fee that is 19050
greater than the total amount paid for that student under 19051
section 3317.022 of the Revised Code. 19052

(B) A chartered nonpublic school may charge any other 19053
student who is paid a scholarship under that section up to the 19054
difference between the amount of the scholarship and the regular 19055
tuition charge of the school. Each chartered nonpublic school 19056
may permit such an eligible student's family to provide 19057
volunteer services in lieu of cash payment to pay all or part of 19058
the amount of the school's tuition not covered by the 19059
scholarship paid under section 3317.022 of the Revised Code. 19060

(C) Each chartered nonpublic school that charges a scholarship student an additional amount as authorized under division (B) of this section shall annually report to the department of education and workforce in the manner prescribed by the department the following:

(1) The number of students charged;

(2) The average of the amounts charged to such students.

Sec. 3310.14. (A) Except as provided in division (B) of this section, each chartered nonpublic school that is not subject to division (K) (1) of section 3301.0711 of the Revised Code and enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall administer the assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school that is subject to this section shall report to the department of education and workforce the results of each assessment administered to each scholarship student under this section.

Nothing in this section requires a chartered nonpublic school to administer any achievement assessment, except for an Ohio graduation test prescribed by division (B) (1) of section 3301.0710 or the college and work ready assessment system prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student.

(B) A chartered nonpublic school that meets the conditions specified in division (K) (2) of section 3301.0711 of the Revised Code shall not be required to administer the elementary

assessments prescribed by division (A) of section 3301.0710 of the Revised Code. 19090
19091

Sec. 3310.15. (A) The department of education and 19092
workforce annually shall compile the scores attained by 19093
scholarship students to whom an assessment is administered under 19094
section 3310.14 of the Revised Code. The scores shall be 19095
aggregated as follows: 19096

(1) By state, which shall include all students awarded a 19097
scholarship under the educational choice scholarship pilot 19098
program and who were required to take an assessment under 19099
section 3310.14 of the Revised Code; 19100

(2) By school district, which shall include all 19101
scholarship students who were required to take an assessment 19102
under section 3310.14 of the Revised Code and for whom the 19103
district is the student's resident district; 19104

(3) By chartered nonpublic school, which shall include all 19105
scholarship students enrolled in that school who were required 19106
to take an assessment under section 3310.14 of the Revised Code. 19107

(B) The department shall disaggregate the student 19108
performance data described in division (A) of this section 19109
according to the following categories: 19110

(1) Grade level; 19111

(2) Race and ethnicity; 19112

(3) Gender; 19113

(4) Students who have participated in the scholarship 19114
program for three or more years; 19115

(5) Students who have participated in the scholarship 19116

program for more than one year and less than three years; 19117

(6) Students who have participated in the scholarship 19118
program for one year or less; 19119

(7) Economically disadvantaged students. 19120

(C) The department shall post the student performance data 19121
required under divisions (A) and (B) of this section on its web 19122
site and, by the first day of February each year, shall 19123
distribute that data to the parent of each eligible student. In 19124
reporting student performance data under this division, the 19125
department shall not include any data that is statistically 19126
unreliable or that could result in the identification of 19127
individual students. For this purpose, the department shall not 19128
report performance data for any group that contains less than 19129
ten students. 19130

(D) The department shall provide the parent of each 19131
scholarship student with information comparing the student's 19132
performance on the assessments administered under section 19133
3310.14 of the Revised Code with the average performance of 19134
similar students enrolled in the building operated by the 19135
student's resident district that the scholarship student would 19136
otherwise attend. In calculating the performance of similar 19137
students, the department shall consider age, grade, race and 19138
ethnicity, gender, and socioeconomic status. 19139

Sec. 3310.16. (A) For the 2020-2021 school year and each 19140
school year thereafter, the department of education and 19141
workforce shall accept, process, and award scholarships each 19142
year for the educational choice scholarship pilot program under 19143
sections 3310.03 and 3310.032 of the Revised Code, as follows: 19144

(1) The application period shall open on the first day of 19145

February prior to the first day of July of the school year for 19146
which a scholarship is sought. Not later than forty-five days 19147
after an applicant submits to the department of education and 19148
workforce a completed application, the department ~~of education~~ 19149
shall determine whether that applicant is eligible for a 19150
scholarship and notify the applicant whether or not the 19151
applicant is eligible. The department ~~of education~~ shall award a 19152
scholarship to each student with an approved application. 19153
However, for any application submitted after the beginning of 19154
the school year, the department ~~of education~~ shall prorate the 19155
amount of the awarded scholarship based on how much of the 19156
school year remains. 19157

(2) In each school year, the department ~~of education~~ shall 19158
accept applications for conditional approval of a scholarship 19159
sought for that year or the next school year. Not later than 19160
five days after receiving an application under this division, 19161
the department ~~of education~~ shall grant conditional approval to 19162
an applicant who is eligible for a scholarship and notify the 19163
applicant whether or not conditional approval is granted. 19164

(B) If the department determines an application submitted 19165
under this section contains an error or deficiency, the 19166
department shall notify the applicant who submitted that 19167
application not later than fourteen days after the application 19168
is submitted. 19169

(C) The departments of education and workforce, job and 19170
family services, and taxation shall enter into a data sharing 19171
agreement so that, in administering this section, the department 19172
of education and workforce shall be able to determine, based on 19173
the address provided in a student's application, whether that 19174
student is eligible for an educational choice scholarship under 19175

section 3310.03 of the Revised Code and whether the student 19176
meets the residency requirements for an educational choice 19177
scholarship under section 3310.032 of the Revised Code. 19178

(D) No city, local, or exempted village school district 19179
shall have access to an application submitted under this 19180
section. 19181

Sec. 3310.17. (A) The ~~state board~~ department of education_ 19182
and workforce shall adopt rules in accordance with Chapter 119. 19183
of the Revised Code prescribing procedures for the 19184
administration of the educational choice scholarship pilot 19185
program. 19186

(B) The ~~state board and the~~ ~~department of education~~ shall 19187
not require chartered nonpublic schools to comply with any 19188
education laws or rules or other requirements that are not 19189
specified in sections 3310.01 to 3310.17 of the Revised Code or 19190
in rules necessary for the administration of the program, 19191
adopted under division (A) of this section, and that otherwise 19192
would not apply to a chartered nonpublic school. 19193

Sec. 3310.41. (A) As used in this section: 19194

(1) "Alternative public provider" means either of the 19195
following providers that agrees to enroll a child in the 19196
provider's special education program to implement the child's 19197
individualized education program and to which the child's parent 19198
owes fees for the services provided to the child: 19199

(a) A school district that is not the school district in 19200
which the child is entitled to attend school; 19201

(b) A public entity other than a school district. 19202

(2) "Entitled to attend school" means entitled to attend 19203

school in a school district under section 3313.64 or 3313.65 of 19204
the Revised Code. 19205

(3) "Formula ADM" has the same meaning as in section 19206
3317.02 of the Revised Code. 19207

(4) "Preschool child with a disability" and 19208
"individualized education program" have the same meanings as in 19209
section 3323.01 of the Revised Code. 19210

(5) "Parent" has the same meaning as in section 3313.64 of 19211
the Revised Code, except that "parent" does not mean a parent 19212
whose custodial rights have been terminated. "Parent" also 19213
includes the custodian of a qualified special education child, 19214
when a court has granted temporary, legal, or permanent custody 19215
of the child to an individual other than either of the natural 19216
or adoptive parents of the child or to a government agency. 19217

(6) "Qualified special education child" is a child for 19218
whom all of the following conditions apply: 19219

(a) The school district in which the child is entitled to 19220
attend school has identified the child as autistic. A child who 19221
has been identified as having a "pervasive developmental 19222
disorder - not otherwise specified (PPD-NOS)" shall be 19223
considered to be an autistic child for purposes of this section. 19224

(b) The school district in which the child is entitled to 19225
attend school has developed an individualized education program 19226
under Chapter 3323. of the Revised Code for the child. 19227

(c) The child either: 19228

(i) Was enrolled in the school district in which the child 19229
is entitled to attend school in any grade from preschool through 19230
twelve in the school year prior to the year in which a 19231

scholarship under this section is first sought for the child; or 19232

(ii) Is eligible to enter school in any grade preschool 19233
through twelve in the school district in which the child is 19234
entitled to attend school in the school year in which a 19235
scholarship under this section is first sought for the child. 19236

(7) "Registered private provider" means a nonpublic school 19237
or other nonpublic entity that has been approved by the 19238
department of education and workforce to participate in the 19239
program established under this section. 19240

(8) "Special education program" means a school or facility 19241
that provides special education and related services to children 19242
with disabilities. 19243

(B) There is hereby established the autism scholarship 19244
program. Under the program, the department ~~of education~~ shall 19245
pay a scholarship under section 3317.022 of the Revised Code to 19246
the parent of each qualified special education child upon 19247
application of that parent pursuant to procedures and deadlines 19248
established by rule of the ~~state board of education~~ department. 19249
Each scholarship shall be used only to pay tuition for the child 19250
on whose behalf the scholarship is awarded to attend a special 19251
education program that implements the child's individualized 19252
education program and that is operated by an alternative public 19253
provider or by a registered private provider, and to pay for 19254
other services agreed to by the provider and the parent of a 19255
qualified special education child that are not included in the 19256
individualized education program but are associated with 19257
educating the child. Upon agreement with the parent of a 19258
qualified special education child, the alternative public 19259
provider or the registered private provider may modify the 19260
services provided to the child. The purpose of the scholarship 19261

is to permit the parent of a qualified special education child 19262
the choice to send the child to a special education program, 19263
instead of the one operated by or for the school district in 19264
which the child is entitled to attend school, to receive the 19265
services prescribed in the child's individualized education 19266
program once the individualized education program is finalized 19267
and any other services agreed to by the provider and the parent 19268
of a qualified special education child. The services provided 19269
under the scholarship shall include an educational component or 19270
services designed to assist the child to benefit from the 19271
child's education. 19272

A scholarship under this section shall not be awarded to 19273
the parent of a child while the child's individualized education 19274
program is being developed by the school district in which the 19275
child is entitled to attend school, or while any administrative 19276
or judicial mediation or proceedings with respect to the content 19277
of the child's individualized education program are pending. A 19278
scholarship under this section shall not be used for a child to 19279
attend a public special education program that operates under a 19280
contract, compact, or other bilateral agreement between the 19281
school district in which the child is entitled to attend school 19282
and another school district or other public provider, or for a 19283
child to attend a community school established under Chapter 19284
3314. of the Revised Code. However, nothing in this section or 19285
in any rule adopted by the ~~state board~~ department shall prohibit 19286
a parent whose child attends a public special education program 19287
under a contract, compact, or other bilateral agreement, or a 19288
parent whose child attends a community school, from applying for 19289
and accepting a scholarship under this section so that the 19290
parent may withdraw the child from that program or community 19291
school and use the scholarship for the child to attend a special 19292

education program for which the parent is required to pay for 19293
services for the child. 19294

Except for development of the child's individualized 19295
education program, the school district in which a qualified 19296
special education child is entitled to attend school and the 19297
child's school district of residence, as defined in section 19298
3323.01 of the Revised Code, if different, are not obligated to 19299
provide the child with a free appropriate public education under 19300
Chapter 3323. of the Revised Code for as long as the child 19301
continues to attend the special education program operated by 19302
either an alternative public provider or a registered private 19303
provider for which a scholarship is awarded under the autism 19304
scholarship program. If at any time, the eligible applicant for 19305
the child decides no longer to accept scholarship payments and 19306
enrolls the child in the special education program of the school 19307
district in which the child is entitled to attend school, that 19308
district shall provide the child with a free appropriate public 19309
education under Chapter 3323. of the Revised Code. 19310

A child attending a special education program with a 19311
scholarship under this section shall continue to be entitled to 19312
transportation to and from that program in the manner prescribed 19313
by law. 19314

(C) As prescribed in division (A) (2) (h) of section 3317.03 19315
of the Revised Code, a child who is not a preschool child with a 19316
disability for whom a scholarship is awarded under this section 19317
shall be counted in the formula ADM of the district in which the 19318
child is entitled to attend school and not in the formula ADM of 19319
any other school district. 19320

(D) A scholarship shall not be paid under section 3317.022 19321
of the Revised Code to a parent for payment of tuition owed to a 19322

nonpublic entity unless that entity is a registered private 19323
provider. The department shall approve entities that meet the 19324
standards established by rule of the ~~state board~~ department for 19325
the program established under this section. 19326

(E) The ~~state board~~ department shall adopt rules under 19327
Chapter 119. of the Revised Code prescribing procedures 19328
necessary to implement this section, including, but not limited 19329
to, procedures and deadlines for parents to apply for 19330
scholarships, standards for registered private providers, and 19331
procedures for approval of entities as registered private 19332
providers. 19333

The rules also shall specify that intervention services 19334
under the autism scholarship program may be provided by a 19335
qualified, credentialed provider, including, but not limited to, 19336
all of the following: 19337

(1) A behavior analyst certified by a nationally 19338
recognized organization that certifies behavior analysts; 19339

(2) A psychologist licensed to practice in this state 19340
under Chapter 4732. of the Revised Code; 19341

(3) An independent school psychologist or school 19342
psychologist licensed to practice in this state under Chapter 19343
4732. of the Revised Code; 19344

(4) Any person employed by a licensed psychologist, 19345
licensed independent school psychologist, or licensed school 19346
psychologist, while carrying out specific tasks, under the 19347
licensee's supervision, as an extension of the licensee's legal 19348
and ethical authority as specified under Chapter 4732. of the 19349
Revised Code who is ascribed as "psychology trainee," 19350
"psychology assistant," "psychology intern," or other 19351

appropriate term that clearly implies their supervised or 19352
training status; 19353

(5) Unlicensed persons holding a doctoral degree in 19354
psychology or special education from a program approved by the- 19355
~~state board department~~; 19356

(6) Any other qualified individual as determined by the- 19357
~~state board department~~. 19358

(F) The department shall provide reasonable notice to all 19359
parents of children receiving a scholarship under the autism 19360
scholarship program, alternative public providers, and 19361
registered private providers of any amendment to a rule 19362
governing, or change in the administration of, the autism 19363
scholarship program. 19364

Sec. 3310.411. Any registered private provider approved to 19365
participate in the autism scholarship program and any of its 19366
employees shall be subject to a criminal records check as 19367
specified in sections 109.57 and 109.572 of the Revised Code. 19368
The registered private provider shall submit the results of any 19369
records checks to the department of education and workforce. The 19370
department shall use the information submitted to enroll the 19371
individual for whom a records check is completed in the retained 19372
applicant fingerprint database, established under section 19373
109.5721 of the Revised Code, in the same manner as any teacher 19374
licensed under sections 3319.22 to 3319.31 of the Revised Code. 19375

Sec. 3310.42. (A) Only for the purpose of administering 19376
the autism scholarship program, the department of education and 19377
workforce may request from any of the following entities the 19378
data verification code assigned under division (D) (2) of section 19379
3301.0714 of the Revised Code to any child who is seeking a 19380

scholarship under the program: 19381

(1) The school district in which the child is entitled to attend school; 19382
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(2) If applicable, the community school in which the child is enrolled; 19384
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(3) The independent contractor engaged to create and maintain data verification codes. 19386
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(B) Upon a request by the department under division (A) of this section for the data verification code of a child seeking a scholarship or a request by the child's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the child has not been assigned a code, because the child will be entering preschool or kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 19388
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering preschool or kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 19400
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(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 19406
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(D) Any document relative to the autism scholarship 19409

program that the department holds in its files that contains 19410
both a child's name or other personally identifiable information 19411
and the child's data verification code shall not be a public 19412
record under section 149.43 of the Revised Code. 19413

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 19414
the Revised Code: 19415

(A) "Alternative public provider" means either of the 19416
following providers that agrees to enroll a child in the 19417
provider's special education program to implement the child's 19418
individualized education program and to which the eligible 19419
applicant owes fees for the services provided to the child: 19420

(1) A school district that is not the school district in 19421
which the child is entitled to attend school or the child's 19422
school district of residence, if different; 19423

(2) A public entity other than a school district. 19424

(B) "Child with a disability" and "individualized 19425
education program" have the same meanings as in section 3323.01 19426
of the Revised Code. 19427

(C) "Eligible applicant" means any of the following: 19428

(1) Either of the natural or adoptive parents of a 19429
qualified special education child, except as otherwise specified 19430
in this division. When the marriage of the natural or adoptive 19431
parents of the student has been terminated by a divorce, 19432
dissolution of marriage, or annulment, or when the natural or 19433
adoptive parents of the student are living separate and apart 19434
under a legal separation decree, and a court has issued an order 19435
allocating the parental rights and responsibilities with respect 19436
to the child, "eligible applicant" means the residential parent 19437
as designated by the court. If the court issues a shared 19438

parenting decree, "eligible applicant" means either parent. 19439
"Eligible applicant" does not mean a parent whose custodial 19440
rights have been terminated. 19441

(2) The custodian of a qualified special education child, 19442
when a court has granted temporary, legal, or permanent custody 19443
of the child to an individual other than either of the natural 19444
or adoptive parents of the child or to a government agency; 19445

(3) The guardian of a qualified special education child, 19446
when a court has appointed a guardian for the child; 19447

(4) The grandparent of a qualified special education 19448
child, when the grandparent is the child's attorney in fact 19449
under a power of attorney executed under sections 3109.51 to 19450
3109.62 of the Revised Code or when the grandparent has executed 19451
a caretaker authorization affidavit under sections 3109.65 to 19452
3109.73 of the Revised Code; 19453

(5) The surrogate parent appointed for a qualified special 19454
education child pursuant to division (B) of section 3323.05 and 19455
section 3323.051 of the Revised Code; 19456

(6) A qualified special education child, if the child does 19457
not have a custodian or guardian and the child is at least 19458
eighteen years of age. 19459

(D) "Entitled to attend school" means entitled to attend 19460
school in a school district under sections 3313.64 and 3313.65 19461
of the Revised Code. 19462

(E) "Formula ADM" has the same meaning as in section 19463
3317.02 of the Revised Code. 19464

(F) "Qualified special education child" is a child for 19465
whom all of the following conditions apply: 19466

- (1) The child is at least five years of age and less than
twenty-two years of age. 19467
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- (2) The school district in which the child is entitled to
attend school, or the child's school district of residence if
different, has identified the child as a child with a
disability. 19469
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- (3) The school district in which the child is entitled to
attend school, or the child's school district of residence if
different, has developed an individualized education program
under Chapter 3323. of the Revised Code for the child. 19473
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- (4) The child either: 19477
- (a) Was enrolled in the schools of the school district in
which the child is entitled to attend school in any grade from
kindergarten through twelve in the school year prior to the
school year in which a scholarship is first sought for the
child; 19478
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- (b) Is eligible to enter school in any grade kindergarten
through twelve in the school district in which the child is
entitled to attend school in the school year in which a
scholarship is first sought for the child. 19483
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- (5) The department of education and workforce has not
approved a scholarship for the child under the educational
choice scholarship pilot program, under sections 3310.01 to
3310.17 of the Revised Code, the autism scholarship program,
under section 3310.41 of the Revised Code, or the pilot project
scholarship program, under sections 3313.974 to 3313.979 of the
Revised Code for the same school year in which a scholarship
under the Jon Peterson special needs scholarship program is
sought. 19487
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(6) The child and the child's parents are in compliance 19496
with the state compulsory attendance law under Chapter 3321. of 19497
the Revised Code. 19498

(G) "Registered private provider" means a nonpublic school 19499
or other nonpublic entity that has been registered by the 19500
superintendent of public instruction under section 3310.58 of 19501
the Revised Code prior to the effective date of this amendment 19502
or the department of education and workforce on or after that 19503
date. 19504

(H) "Scholarship" means a scholarship awarded under the 19505
Jon Peterson special needs scholarship program pursuant to 19506
sections 3310.51 to 3310.64 of the Revised Code. 19507

(I) "School district of residence" has the same meaning as 19508
in section 3323.01 of the Revised Code. A community school 19509
established under Chapter 3314. of the Revised Code is not a 19510
"school district of residence" for purposes of sections 3310.51 19511
to 3310.64 of the Revised Code. 19512

(J) "School year" has the same meaning as in section 19513
3313.62 of the Revised Code. 19514

(K) "Special education program" means a school or facility 19515
that provides special education and related services to children 19516
with disabilities. 19517

Sec. 3310.52. (A) The Jon Peterson special needs 19518
scholarship program is hereby established. Under the program, 19519
beginning with the 2012-2013 school year, subject to division 19520
(B) of this section, the department of education and workforce 19521
annually shall pay a scholarship under section 3317.022 of the 19522
Revised Code to an eligible applicant for services provided by 19523
an alternative public provider or a registered private provider 19524

for a qualified special education child. The scholarship shall 19525
be used only to pay all or part of the fees for the child to 19526
attend the special education program operated by the alternative 19527
public provider or registered private provider to implement the 19528
child's individualized education program, in lieu of the child's 19529
attending the special education program operated by the school 19530
district in which the child is entitled to attend school, and 19531
other services agreed to by the provider and eligible applicant 19532
that are not included in the individualized education program 19533
but are associated with educating the child. Beginning in the 19534
2014-2015 school year, if the child is receiving special 19535
education services for a disability specified in division (A) of 19536
section 3317.013 of the Revised Code, the scholarship shall be 19537
used only to pay for related services that are included in the 19538
child's individualized education program. Upon agreement with 19539
the eligible applicant, the alternative public provider or 19540
registered private provider may modify the services provided to 19541
the child. 19542

(B) The number of scholarships awarded under the program 19543
in any fiscal year shall not exceed five per cent of the total 19544
number of students residing in the state identified as children 19545
with disabilities during the previous fiscal year. 19546

(C) The department shall pay a scholarship under section 19547
3317.022 of the Revised Code to the parent of each qualified 19548
special education child, unless the parent authorizes a direct 19549
payment to the child's provider, upon application of that parent 19550
in the manner prescribed by the department. However, the 19551
department shall not adopt specific dates for application 19552
deadlines for scholarships under the program. 19553

Sec. 3310.521. (A) As a condition of receiving payments 19554

for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education and workforce in the form and manner as required by the department.

(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain the following:

(1) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child;

(2) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child.

Sec. 3310.522. (A) In order to maintain eligibility for a scholarship, a student shall take each assessment prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, in accordance with section 3301.0711 of the Revised Code, unless one of the following applies to the student:

(1) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C) (1) (c) (i) of section 3301.0711 of the Revised Code.

(2) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K) (2) or

(L) (4) of section 3301.0711 of the Revised Code.	19584
(3) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K) (1) of section 3301.0711 of the Revised Code or division (B) (3) of this section.	19585 19586 19587 19588
(4) The student is excused from taking the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code pursuant to division (C) (1) (c) (ii) of section 3301.0711 of the Revised Code.	19589 19590 19591 19592
(B) Each registered private provider that is not subject to division (K) (1) of section 3301.0711 of the Revised Code and enrolls a student who is awarded a scholarship shall administer each assessment prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to that student in accordance with section 3301.0711 of the Revised Code, unless one of the following applies to the student:	19593 19594 19595 19596 19597 19598 19599
(1) The student is excused from taking that assessment under division (A) (1) of this section.	19600 19601
(2) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K) (2) or (L) (4) of section 3301.0711 of the Revised Code.	19602 19603 19604
(3) The student is enrolled in any of grades three to eight and the registered private provider administers an alternative standardized assessment determined by the department of education <u>and workforce</u> under division (K) (1) of section 3301.0711 of the Revised Code to the student.	19605 19606 19607 19608 19609
(4) The student is excused from taking the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code pursuant to division (C) (1) (c) (ii) of section	19610 19611 19612

3301.0711 of the Revised Code. 19613

The registered private provider shall report to the 19614
department the results of each assessment so administered under 19615
division (B) of this section. 19616

(C) Nothing in this section requires any chartered 19617
nonpublic school that is a registered private provider to 19618
administer any achievement assessment, except for an Ohio 19619
graduation test prescribed by division (B)(1) of section 19620
3301.0710 or the college and work ready assessment system 19621
prescribed by division (B) of section 3301.0712 of the Revised 19622
Code to any student enrolled in the school who is not a 19623
scholarship student. 19624

Sec. 3310.53. (A) Except for development of the child's 19625
individualized education program, as specified in division (B) 19626
of this section, the school district in which a qualified 19627
special education child is entitled to attend school and the 19628
child's school district of residence, if different, are not 19629
obligated to provide the child with a free appropriate public 19630
education under Chapter 3323. of the Revised Code for as long as 19631
the child continues to attend the special education program 19632
operated by either an alternative public provider or a 19633
registered private provider for which a scholarship is awarded 19634
under the Jon Peterson special needs scholarship program. If at 19635
any time, the eligible applicant for the child decides no longer 19636
to accept scholarship payments and enrolls the child in the 19637
special education program of the school district in which the 19638
child is entitled to attend school, that district shall provide 19639
the child with a free appropriate public education under Chapter 19640
3323. of the Revised Code. 19641

(B) Each eligible applicant and each qualified special 19642

education child have a continuing right to the development of an 19643
individualized education program for the child that complies 19644
with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., 19645
and administrative rules or guidelines adopted by the ~~Ohio~~ 19646
department of education and workforce or the United States 19647
department of education. The school district in which a 19648
qualified special education child is entitled to attend school, 19649
or the child's school district of residence if different, shall 19650
develop each individualized education program for the child in 19651
accordance with those provisions. 19652

(C) Each school district shall notify an eligible 19653
applicant of the applicant's and qualified special education 19654
child's rights under sections 3310.51 to 3310.64 of the Revised 19655
Code by providing to each eligible applicant the comparison 19656
document prescribed in section 3323.052 of the Revised Code. An 19657
eligible applicant's receipt of that document, as acknowledged 19658
in a format prescribed by the department of education and 19659
workforce, shall constitute notice that the eligible applicant 19660
has been informed of those rights. Upon receipt of that 19661
document, subsequent acceptance of a scholarship constitutes the 19662
eligible applicant's informed consent to the provisions of 19663
sections 3310.51 to 3310.64 of the Revised Code. 19664

Sec. 3310.58. No nonpublic school or entity shall receive 19665
payments from an eligible applicant for services for a qualified 19666
special education child under the Jon Peterson special needs 19667
scholarship program until the school or entity registers with 19668
the ~~superintendent of public instruction~~department of education 19669
and workforce. The ~~superintendent~~department shall register and 19670
designate as a registered private provider any nonpublic school 19671
or entity that meets the following requirements: 19672

(A) The school or entity complies with the 19673
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 19674
whether the school or entity receives federal financial 19675
assistance. 19676

(B) If the school or entity is not chartered by the ~~state-~~ 19677
~~board-director of education and workforce~~ under section 3301.16 19678
of the Revised Code, the school or entity agrees to comply with 19679
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 19680
if it were a school district. 19681

(C) The teaching and nonteaching professionals employed by 19682
the school or entity, or employed by any subcontractors of the 19683
school or entity, hold credentials determined by the state board 19684
of education to be appropriate for the qualified special 19685
education children enrolled in the special education program it 19686
operates. 19687

(D) The school's or entity's educational program shall be 19688
approved by the department ~~of education~~. 19689

(E) The school or entity meets applicable health and 19690
safety standards established by law. 19691

(F) The school or entity agrees to retain on file 19692
documentation as required by the department ~~of education~~. 19693

(G) The school or entity agrees to provide a record of the 19694
implementation of the individualized education program for each 19695
qualified special education child enrolled in the school's or 19696
entity's special education program, including evaluation of the 19697
child's progress, to the school district in which the child is 19698
entitled to attend school, in the form and manner prescribed by 19699
the department. 19700

(H) The school or entity agrees that, if it declines to 19701

enroll a particular qualified special education child, it will 19702
notify in writing the eligible applicant of its reasons for 19703
declining to enroll the child. 19704

Sec. 3310.59. The ~~superintendent of public instruction~~ 19705
department of education and workforce shall revoke the 19706
registration of any school or entity if, after a hearing, the 19707
~~superintendent~~ department determines that the school or entity 19708
is in violation of any provision of section 3310.522 or 3310.58 19709
of the Revised Code. 19710

Sec. 3310.62. (A) A scholarship under the Jon Peterson 19711
special needs scholarship program shall not be awarded for the 19712
first time to an eligible applicant on behalf of a qualified 19713
special education child while the child's individualized 19714
education program is being developed by the school district in 19715
which the child is entitled to attend school, or by the child's 19716
school district of residence if different, or while any 19717
administrative or judicial mediation or proceedings with respect 19718
to the content of that individualized education program are 19719
pending. 19720

(B) Development of individualized education programs 19721
subsequent to the one developed for the child the first time a 19722
scholarship was awarded on behalf of the child and the 19723
prosecuting, by the eligible applicant on behalf of the child, 19724
of administrative or judicial mediation or proceedings with 19725
respect to any of those subsequent individualized education 19726
programs do not affect the applicant's and the child's continued 19727
eligibility for scholarship payments. 19728

(C) In the case of any child for whom a scholarship has 19729
been awarded, if the school district in which the child is 19730
entitled to attend school has agreed to provide some services 19731

for the child under an agreement entered into with the eligible 19732
applicant or with the alternative public provider or registered 19733
private provider implementing the child's individualized 19734
education program, or if the district is required by law to 19735
provide some services for the child, including transportation 19736
services under sections 3310.60 and 3327.01 of the Revised Code, 19737
the district shall not discontinue the services it is providing 19738
pending completion of any administrative proceedings regarding 19739
those services. The prosecuting, by the eligible applicant on 19740
behalf of the child, of administrative proceedings regarding the 19741
services provided by the district does not affect the 19742
applicant's and the child's continued eligibility for 19743
scholarship payments. 19744

(D) The department of education and workforce shall 19745
continue to make payments to the eligible applicant under 19746
section 3317.022 of the Revised Code while either of the 19747
following are pending: 19748

(1) Administrative or judicial mediation or proceedings 19749
with respect to a subsequent individualized education program 19750
for the child referred to in division (B) of this section; 19751

(2) Administrative proceedings regarding services provided 19752
by the district under division (C) of this section. 19753

Sec. 3310.63. (A) Only for the purpose of administering 19754
the Jon Peterson special needs scholarship program, the 19755
department of education and workforce may request from any of 19756
the following entities the data verification code assigned under 19757
division (D)(2) of section 3301.0714 of the Revised Code to any 19758
qualified special education child for whom a scholarship is 19759
sought under the program: 19760

(1) The school district in which the child is entitled to attend school; 19761
19762

(2) If applicable, the community school in which the child is enrolled; 19763
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(3) The independent contractor engaged to create and maintain data verification codes. 19765
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(B) Upon a request by the department under division (A) of this section for the data verification code of a qualified special education child or a request by the eligible applicant for the child for that code, the school district or community school shall submit that code to the department or applicant in the manner specified by the department. If the child has not been assigned a code, because the child will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or applicant by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 19767
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 19780
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(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 19785
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(D) Any document relative to the Jon Peterson special needs scholarship program that the department holds in its files 19788
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that contains both a qualified special education child's name or 19790
other personally identifiable information and the child's data 19791
verification code shall not be a public record under section 19792
149.43 of the Revised Code. 19793

Sec. 3310.64. The ~~state board~~ department of education and 19794
workforce shall adopt rules in accordance with Chapter 119. of 19795
the Revised Code prescribing procedures necessary to implement 19796
sections 3310.51 to 3310.63 of the Revised Code including, but 19797
not limited to, procedures for parents to apply for 19798
scholarships, standards for registered private providers, and 19799
procedures for registration of private providers. 19800

Sec. 3310.70. (A) A student is an "eligible student" for 19801
purposes of this section if the student is at least six but no 19802
more than eighteen years old and the student's family income is 19803
at or below three hundred per cent of the federal poverty 19804
guidelines, as defined in section 5101.46 of the Revised Code. 19805

(B) (1) There is hereby established the afterschool child 19806
enrichment (ACE) educational savings account program. The 19807
department of education and workforce shall adopt rules under 19808
Chapter 119. of the Revised Code that prescribe procedures for 19809
the establishment of these accounts in fiscal years 2022 and 19810
2023 upon the request of the parent or guardian of an eligible 19811
student enrolled in a public or nonpublic school or an eligible 19812
student who has been excused from the compulsory attendance law 19813
for the purpose of home ~~instruction~~ education under section 19814
~~3321.04~~ 3321.042 of the Revised Code. Accounts shall be 19815
established on a first-come, first-served basis according to the 19816
availability of funds appropriated for purposes of this section. 19817

Accounts shall be used in accordance with division (E) of 19818
this section. Any balance remaining in a student's account after 19819

fiscal year 2023 shall remain in that account for use as 19820
prescribed in division (D) (3) of this section. 19821

(2) The department shall create an online form for parents 19822
and guardians to request the establishment of an account under 19823
this section. 19824

(C) (1) The department shall contract with a vendor for 19825
purposes of administering the provisions of this section and may 19826
contract with the treasurer of state for technical assistance. 19827
In selecting a vendor, the department shall give preference to 19828
those vendors who use a smart phone application that is free for 19829
parents or guardians to use, is capable of scanning receipts, 19830
allows users to provide program feedback, and includes customer 19831
service contact information for parents and guardians who 19832
experience technical issues with the application. For each 19833
fiscal year in which the program operates, the department shall 19834
pay the vendor not more than three per cent of the amount 19835
appropriated for that fiscal year for purposes of this section. 19836

(2) The vendor selected by the department under division 19837
(C) (2) of this section shall do both of the following: 19838

(a) Monitor how accounts are used by parents or guardians 19839
and recoup moneys that are used for purposes that are not 19840
authorized by this section as determined by the vendor; 19841

(b) Provide the department with a comprehensive list of 19842
purchases made with accounts. 19843

(3) At no time shall the vendor authorize parents or 19844
guardians to use moneys for purposes that are not authorized by 19845
this section as determined by the vendor. If the vendor 19846
authorizes parents or guardians to use moneys for a specified 19847
purpose and later determines that purpose is not authorized by 19848

this section, the vendor may recoup that money. 19849

(D) (1) If a parent or guardian makes a request under 19850
division (B) of this section during fiscal year 2022, five 19851
hundred dollars shall be credited to the account established 19852
pursuant to the parent's or guardian's request within fourteen 19853
days of the parent's or guardian's request, and that amount 19854
shall be disbursed upon request to the parent or guardian not 19855
later than June 30, 2022, for use in accordance with division 19856
(E) of this section. Any amount remaining in an account at the 19857
end of fiscal year 2022 shall remain in that account for fiscal 19858
year 2023 for use in accordance with division (E) of this 19859
section. 19860

(2) If a parent or guardian makes a request under division 19861
(B) of this section during fiscal year 2023, five hundred 19862
dollars shall be credited to the account established pursuant to 19863
the parent's or guardian's request within fourteen days of the 19864
parent's or guardian's request, and that amount shall be 19865
disbursed upon request to the parent or guardian not later than 19866
June 30, 2023, for use in accordance with division (E) of this 19867
section. If a parent or guardian had an account established for 19868
fiscal year 2022, that amount shall be credited and distributed 19869
to that account for use in accordance with division (E) of this 19870
section. 19871

(3) Any amount remaining in an account established under 19872
division (B) of this section at the end of fiscal year 2023 19873
shall remain in that account for use in accordance with division 19874
(E) of this section in future fiscal years until either the full 19875
amount has been spent or the student graduates from high school. 19876
Any amount remaining in the account of a student who graduates 19877
from high school shall be returned to the department. 19878

(E) Subject to division (F) of this section, moneys	19879
credited to an education savings account established under	19880
division (B) of this section shall be used by an eligible	19881
student's parent or guardian for any of the following purposes,	19882
whether secular or nonsecular:	19883
(1) Before- or after-school educational programs;	19884
(2) Day camps, including camps for academics, music, and	19885
arts;	19886
(3) Tuition at learning extension centers;	19887
(4) Tuition for learning pods;	19888
(5) If the student has been excused from the compulsory	19889
attendance law for the purpose of home instruction <u>education</u>	19890
under section 3321.04 <u>3321.042</u> of the Revised Code, purchase of	19891
curriculum and materials;	19892
(6) Educational, learning, or study skills services;	19893
(7) Field trips to historical landmarks, museums, science	19894
centers, and theaters, including admission, exhibit, and program	19895
fees;	19896
(8) Language classes;	19897
(9) Instrument lessons;	19898
(10) Tutoring.	19899
(F) At no time shall moneys credited to an account	19900
established under division (B) of this section be used for the	19901
purchase of electronic devices.	19902
(G) The department shall make available to parents and	19903
guardians a list of the purposes for which moneys credited to an	19904
account established under division (B) of this section may be	19905

spent in accordance with division (E) of this section. 19906

(H) Not later than December 31, 2023, the department shall 19907
prepare a report regarding the administration of this section, 19908
including feedback from a random sampling of parents and 19909
guardians who participate in the program for fiscal year 2022, 19910
fiscal year 2023, or both and submit the report to the general 19911
assembly in accordance with section 101.68 of the Revised Code. 19912

Sec. 3311.056. The elected members of an educational 19913
service center governing board may by resolution adopt a plan 19914
for adding appointed members to that governing board. A plan may 19915
provide for adding to the board a number of appointed members 19916
that is up to one less than the number of elected members on the 19917
board except that the total number of elected and appointed 19918
board members shall be an odd number. A plan shall provide for 19919
the terms of the appointed board members. The appointed board 19920
members in each plan shall be appointed by a majority vote of 19921
the full number of elected members on the board and vacancies 19922
shall be filled as provided in the plan. Each plan shall specify 19923
the qualifications for the appointed board members of an 19924
educational service center including the experience, knowledge, 19925
and skills that advance the mission and vision of the service 19926
center. Appointed members may be representative of the client 19927
school districts of the service center that are not otherwise 19928
represented on the board. As used in this section, "client 19929
school district" has the same meaning as in section 3311.0510 of 19930
the Revised Code. 19931

A governing board adopting a plan under this section shall 19932
submit the plan to the ~~state board~~ department of education and 19933
workforce for approval. The ~~state board~~ department may approve 19934
or disapprove a plan or make recommendations for modifications 19935

in a plan. A plan shall take effect thirty days after approval 19936
by the ~~state board~~ department and, when effective, appointments 19937
to the board shall be made in accordance with the plan. 19938

The elected members of the governing board of an 19939
educational service center with a plan in effect under this 19940
section may adopt, by unanimous vote of all the elected members, 19941
a resolution to revise or rescind the plan in effect under this 19942
section. All revisions shall comply with the requirements in 19943
this section for appointed board members. A resolution revising 19944
or rescinding a plan shall specify the dates and manner in which 19945
the revision or rescission is to take place. The revision or 19946
rescission of a plan shall be submitted to the ~~state board of~~ 19947
~~education~~ department for approval. The ~~state board~~ department 19948
may approve or disapprove a revision or rescission of a plan or 19949
make recommendations for modifications. Upon approval of a 19950
revision or rescission by the ~~state board~~ department, the 19951
revised plan or rescission of the plan shall go into effect as 19952
provided in the revision or rescission. 19953

Sec. 3311.08. The board of education of any local school 19954
district which contains within its territorial boundaries: 19955

(A) All the territory lying within the corporate limits of 19956
a village having a population of three thousand or more 19957
according to the last federal census; 19958

(B) All the territory lying within the corporate limits of 19959
a village having a population of two thousand or more according 19960
to the last federal census and a population outside the 19961
corporate limits of said village, as determined by a census 19962
taken by such board, sufficient to make the total population of 19963
such district three thousand or more, may, by a majority vote of 19964
the full membership of such board, declare that such district be 19965

exempt from the supervision of the governing board of the 19966
educational service center. 19967

When the board of education of a local school district 19968
notifies the governing board of the educational service center 19969
on or before the first day of May in any year, that it has 19970
adopted, by a majority vote of its full membership, a 19971
declaration that such local school district shall be exempt from 19972
the supervision of the educational service center governing 19973
board, such local school district shall be exempt from the 19974
supervision of the educational service center governing board 19975
for the school year commencing the first day of July following 19976
the date of such notification. 19977

The local school district so exempted from the supervision 19978
of the educational service center governing board shall be known 19979
as an "exempted village school district" until its status as an 19980
exempted village school district has been changed. 19981

A census taken by the board of a local school district, of 19982
territory outside the corporate limits of a village, shall be 19983
taken by persons appointed by such board. Each person so 19984
appointed shall take an oath or affirmation to take such a 19985
census accurately and shall make the return under oath to the 19986
treasurer of the board. The treasurer shall send certified 19987
copies of such census to the county auditor and to the 19988
~~superintendent of public instruction~~director of education and 19989
workforce. Such census shall be approved by the ~~superintendent-~~ 19990
director before the school district is deemed to have sufficient 19991
population to meet the requirements of an exempted village 19992
school district. 19993

Sec. 3311.16. Any local, exempted village, or city board 19994
of education, any educational service center governing board, or 19995

any combination of boards of such districts and centers, 19996
referred to in sections 3311.16, 3311.17, and 3311.18 of the 19997
Revised Code as the initiating unit, may make or contract for 19998
the making of a study pertaining to the need to establish within 19999
one county, or within an area comprised of two or more adjoining 20000
counties, a joint vocational school district, and for the 20001
preparation of a plan for the establishment and operation of a 20002
joint vocational school district covering the territory of two 20003
or more school districts within such county or counties. Any 20004
local, exempted village, or city school district in the county 20005
or counties may participate with the initiating unit in the cost 20006
of such study and plan. Such plan shall be submitted to the 20007
~~state board~~ department of education and workforce by the 20008
initiating unit. 20009

Sec. 3311.17. On approval of the plan by the ~~state board~~ 20010
department of education and workforce, the initiating unit shall 20011
file a copy of such plan with the board of education of each 20012
district whose territory is proposed to be included in the 20013
proposed joint vocational school district. Within thirty days 20014
after receiving such copy, such board of education shall 20015
determine whether its district shall become a part of the 20016
proposed joint vocational school district. If one or more boards 20017
of education decide not to become a part of such proposed 20018
district, a revised plan shall be prepared by the initiating 20019
unit, and if such revised plan is approved by the ~~state board of~~ 20020
~~education~~ department, such initiating unit shall file the revised 20021
plan with the board of education of each district whose 20022
territory is proposed to be included in the proposed joint 20023
vocational school district. Within thirty days thereafter, each 20024
such district shall determine whether its district shall become 20025
a part of the proposed joint vocational school district. 20026

Sec. 3311.19. (A) The management and control of a joint vocational school district shall be vested in the joint vocational school district board of education which, beginning on September 29, 2013, shall be appointed under division (C) of this section.

All members of a joint vocational school district board serving unexpired terms on September 29, 2013, may continue in office until the expiration of their terms. If a member leaves office for any reason prior to the expiration of that member's term, the vacancy shall be filled only in the manner provided in division (C) of this section.

(B) Except as provided in section 3311.191 of the Revised Code, members of the joint vocational school district board appointed on or after September 29, 2013, shall serve for three-year terms of office.

(C) The manner of appointment and the total number of members appointed to the joint vocational school district board shall be in accordance with the most recent plan for the joint vocational school district on file with the department of education and workforce.

(1) Appointments under this section shall be made as the terms of members of each joint vocational school district board who are serving unexpired terms on September 29, 2013, expire or as those offices are otherwise vacated prior to the expiration date.

(2) Members of the joint vocational board shall be appointed by the member school district boards of education. Members of a joint vocational school district board may either be a current elected board member of a school district board

that is a member of the joint vocational school district or an individual who has experience or knowledge regarding the labor needs of the state and region with an understanding of the skills, training, and education needed for current and future employment opportunities in the state. The appointing board may give preference to individuals who have served as members on a joint vocational school business advisory committee.

(D) The vocational schools in the joint vocational school district shall be available to all youth of school age within the joint vocational school district subject to the rules adopted by the joint vocational school district board of education in regard to the standards requisite to admission. A joint vocational school district board of education shall have the same powers, duties, and authority for the management and operation of such joint vocational school district as is granted by law, except by this chapter and Chapters 124., 3317., 3323., and 3331. of the Revised Code, to a board of education of a city school district, and shall be subject to all the provisions of law that apply to a city school district, except such provisions in this chapter and Chapters 124., 3317., 3323., and 3331. of the Revised Code.

(E) The superintendent of schools of a joint vocational school district shall exercise the duties and authority vested by law in a superintendent of schools pertaining to the operation of a school district and the employment and supervision of its personnel. The joint vocational school district board of education shall appoint a treasurer of the joint vocational school district who shall be the fiscal officer for such district and who shall have all the powers, duties, and authority vested by law in a treasurer of a board of education.

(F) Each member of a joint vocational school district board of education may be paid such compensation as the board provides by resolution, but it shall not exceed one hundred twenty-five dollars per member for each meeting attended plus mileage, at the rate per mile provided by resolution of the board, to and from meetings of the board.

The board may provide by resolution for the deduction of amounts payable for benefits under section 3313.202 of the Revised Code.

Each member of a joint vocational school district board may be paid such compensation as the board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars per day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length. However, no board member shall be compensated for the same training program under this section and section 3313.12 of the Revised Code.

Sec. 3311.191. (A) (1) Subject to division (A) (2) of this section, if a joint vocational school district has an even number of member districts each appointing a member to the joint vocational school district board of education and the joint vocational school district's plan on file with the department of education and workforce provides for one additional board member to be appointed on a rotating basis by one of the appointing boards, the term of that additional member shall be for one year. The additional member shall otherwise meet the requirements for joint vocational school board members prescribed by section 3311.19 of the Revised Code.

(2) If an additional member of a joint vocational school district board appointed on a rotating basis, as described in division (A)(1) of this section, was appointed on or after September 29, 2013, but prior to September 29, 2015, that member may continue in office until the expiration of the member's current term of office. If such member vacates that office for any reason prior to the expiration of that member's term, a new additional member shall be appointed according to the rotational basis prescribed by the district's plan, and that member shall serve for the remainder of the vacating member's term. Thereafter, the term of office of the additional member shall be as prescribed by division (A)(1) of this section.

(B) A joint vocational school district board of education may submit an application to the ~~superintendent of public-instruction department~~ for approval to revise its membership plan to stagger the members' terms of office. Each board may do so only one time. The application shall include the revisions proposed to be made to members' terms, the manner by which the terms shall be staggered, and any other information the ~~state-superintendent department~~ requires.

Sec. 3311.213. (A) With the approval of the board of education of a joint vocational school district that is in existence, any school district in the county or counties comprising the joint vocational school district or any school district in a county adjacent to a county comprising part of a joint vocational school district may become a part of the joint vocational school district. On the adoption of a resolution of approval by the board of education of the joint vocational school district, it shall advertise a copy of such resolution in a newspaper of general circulation in the school district proposing to become a part of such joint vocational school

district once each week for two weeks, or as provided in section 20147
7.16 of the Revised Code, immediately following the date of the 20148
adoption of such resolution. Such resolution shall not become 20149
effective until the later of the sixty-first day after its 20150
adoption or until the board of elections certifies the results 20151
of an election in favor of joining of the school district to the 20152
joint vocational school district if such an election is held 20153
under division (B) of this section. 20154

(B) During the sixty-day period following the date of the 20155
adoption of a resolution to join a school district to a joint 20156
vocational school district under division (A) of this section, 20157
the electors of the school district that proposes joining the 20158
joint vocational school district may petition for a referendum 20159
vote on the resolution. The question whether to approve or 20160
disapprove the resolution shall be submitted to the electors of 20161
such school district if a number of qualified electors equal to 20162
twenty per cent of the number of electors in the school district 20163
who voted for the office of governor at the most recent general 20164
election for that office sign a petition asking that the 20165
question of whether the resolution shall be disapproved be 20166
submitted to the electors. The petition shall be filed with the 20167
board of elections of the county in which the school district is 20168
located. If the school district is located in more than one 20169
county, the petition shall be filed with the board of elections 20170
of the county in which the majority of the territory of the 20171
school district is located. The board shall certify the validity 20172
and sufficiency of the signatures on the petition. 20173

The board of elections shall immediately notify the board 20174
of education of the joint vocational school district and the 20175
board of education of the school district that proposes joining 20176
the joint vocational school district that the petition has been 20177

filed. 20178

The effect of the resolution shall be stayed until the 20179
board of elections certifies the validity and sufficiency of the 20180
signatures on the petition. If the board of elections determines 20181
that the petition does not contain a sufficient number of valid 20182
signatures and sixty days have passed since the adoption of the 20183
resolution, the resolution shall become effective. 20184

If the board of elections certifies that the petition 20185
contains a sufficient number of valid signatures, the board 20186
shall submit the question to the qualified electors of the 20187
school district on the day of the next general or primary 20188
election held at least ninety days after but no later than six 20189
months after the board of elections certifies the validity and 20190
sufficiency of signatures on the petition. If there is no 20191
general or primary election held at least ninety days after but 20192
no later than six months after the board of elections certifies 20193
the validity and sufficiency of signatures on the petition, the 20194
board shall submit the question to the electors at a special 20195
election to be held on the next day specified for special 20196
elections in division (D) of section 3501.01 of the Revised Code 20197
that occurs at least ninety days after the board certifies the 20198
validity and sufficiency of signatures on the petition. The 20199
election shall be conducted and canvassed and the results shall 20200
be certified in the same manner as in regular elections for the 20201
election of members of a board of education. 20202

If a majority of the electors voting on the question 20203
disapprove the resolution, the resolution shall not become 20204
effective. 20205

(C) If the resolution becomes effective, the board of 20206
education of the joint vocational school district shall notify 20207

the county auditor of the county in which the school district 20208
becoming a part of the joint vocational school district is 20209
located, who shall thereupon have any outstanding levy for 20210
building purposes, bond retirement, or current expenses in force 20211
in the joint vocational school district spread over the 20212
territory of the school district becoming a part of the joint 20213
vocational school district. On the addition of a city or 20214
exempted village school district or an educational service 20215
center to the joint vocational school district, pursuant to this 20216
section, the board of education of such joint vocational school 20217
district shall submit to the ~~state board~~ department of education 20218
and workforce a proposal to enlarge the membership of such board 20219
by the addition of one or more persons at least one of whom 20220
shall be a member of the board of education or governing board 20221
of such additional school district or educational service 20222
center, and the term of each such additional member. On the 20223
addition of a local school district to the joint vocational 20224
school district, pursuant to this section, the board of 20225
education of such joint vocational school district may submit to 20226
the ~~state board of education~~ department a proposal to enlarge 20227
the membership of such board by the addition of one or more 20228
persons who are members of the educational service center 20229
governing board of such additional local school district. On 20230
approval by the ~~state board of education~~ department additional 20231
members shall be added to such joint vocational school district 20232
board of education. 20233

Sec. 3311.214. (A) With the approval of the ~~state board~~ 20234
department of education and workforce, the boards of education 20235
of any two or more joint vocational school districts may, by the 20236
adoption of identical resolutions by a majority of the members 20237
of each such board, propose that one new joint vocational school 20238

district be created by adding together all of the territory of 20239
each of the districts and dissolving such districts. A copy of 20240
each resolution shall be filed with the ~~state board of education~~
department for its approval or disapproval. The resolutions 20241
shall include a provision that the board of education of the new 20242
district shall be composed of the members from the same boards 20243
of education that composed the membership of the board of each 20244
of the districts to be dissolved, except that, if an even number 20245
of districts are to be dissolved, one additional member shall be 20246
added, who may be from any school district included in the 20247
territory of any of the districts to be dissolved as designated 20248
in the resolutions. The members of the new board shall have the 20249
same terms of office as they had under the respective plans of 20250
the districts adopting the resolutions, except that, if the new 20251
board has an additional member, the additional member shall have 20252
a term as specified in the resolutions. 20253
20254

If the ~~state board~~ department approves the resolutions, 20255
the board of education of each district to be dissolved shall 20256
advertise a copy of the resolution in a newspaper of general 20257
circulation in its district once each week for two weeks, or as 20258
provided in section 7.16 of the Revised Code, immediately 20259
following the date the resolutions are approved by the ~~state~~
~~board~~ department. The resolutions shall become effective on the 20260
first day of July next succeeding the sixtieth day following 20261
approval by the ~~state board~~ department unless prior to the 20262
expiration of such sixty-day period, qualified electors residing 20263
in one of the districts to be dissolved equal in number to a 20264
majority of the qualified electors of that district voting at 20265
the last general election file with the ~~state board~~ department a 20266
petition of remonstrance against creation of the proposed new 20267
district. 20268
20269

(B) When a resolution becomes effective under division (A) 20270
of this section, each district in which a resolution was adopted 20271
and the board of each such district are dissolved. The territory 20272
of each dissolved district becomes a part of the new joint 20273
vocational school district. The net indebtedness of each 20274
dissolved district shall be assumed in full by the new district 20275
and the funds and property of each dissolved district shall 20276
become in full the funds and property of the new district. All 20277
existing contracts of each dissolved board shall be honored by 20278
the board of the new district until their expiration dates. The 20279
board of the new district shall notify the county auditor of 20280
each county in which each dissolved district was located that a 20281
resolution has become effective and a new district has been 20282
created and shall certify to each auditor any changes that might 20283
be required in the tax rate as a result of the creation of the 20284
new district. 20285

(C) As used in this section, "net indebtedness" means the 20286
difference between the par value of the outstanding and unpaid 20287
bonds and notes of the school district and the amount held in 20288
the sinking fund and other indebtedness retirement funds for 20289
their redemption. 20290

Sec. 3311.217. Upon approval by a majority of the full 20291
membership of the board of education of a joint vocational 20292
school district, or upon the receipt of resolutions formally 20293
adopted by a majority of the boards of education of the school 20294
districts participating in the joint vocational school district, 20295
the board of education of the joint vocational school district 20296
shall adopt and send to the ~~state board~~ department of education, 20297
and workforce a resolution requesting the dissolution of the 20298
joint vocational school district. Such resolution shall state 20299
the reasons for the proposed dissolution of the joint vocational 20300

school district, shall set forth a plan for the equitable 20301
adjustment, division, and disposition of the assets, property, 20302
debts, and obligations of the joint vocational school district, 20303
and shall provide that the tax duplicate of each participating 20304
school district shall be bound for and assume its share of the 20305
outstanding indebtedness of the joint vocational school 20306
district. Upon approval of the resolution by the ~~state board of~~ 20307
~~education department~~, the joint vocational school district shall 20308
be dissolved in accordance with the provisions of the 20309
resolution. 20310

Sec. 3311.218. The board of education of a joint 20311
vocational school district may enter into a written agreement 20312
with the board of trustees of any technical college district, 20313
the boundaries of which are coterminous with such joint 20314
vocational ~~school~~ school district, which agreement may provide 20315
for the sharing of use of any physical facility or equipment 20316
owned or used by either district. Such agreement may further 20317
provide that the joint vocational school district may contribute 20318
a portion of its funds for current operating expenses, 20319
regardless of whether such funds are derived from a tax levy or 20320
otherwise, to the technical college district to be expended by 20321
the technical college district for any lawful purpose. The 20322
agreement shall require the approval by resolution of both 20323
boards and shall be executed by the president and treasurer of 20324
both boards. A copy of such agreement shall be filed with the 20325
~~board of regents~~ chancellor of higher education and a copy shall 20326
be filed with the ~~state board~~ department of education and 20327
workforce. 20328

Sec. 3311.521. (A) The boards of education of any two or 20329
more contiguous city, exempted village, or local school 20330
districts may establish a cooperative education school district 20331

in accordance with this section for the purpose of operating a 20332
joint high school in lieu of each of such boards operating any 20333
high school. Such a cooperative education school district shall 20334
only be established pursuant to the adoption of identical 20335
resolutions in accordance with this section within a sixty-day 20336
period by a majority of the members of the board of education of 20337
all such boards. Upon the adoption of all such resolutions, a 20338
copy of each resolution shall be filed with the ~~state board~~ 20339
department of education and workforce. 20340

The territory of any cooperative education school district 20341
established pursuant to this section shall consist of the 20342
territory of all of the school districts whose boards of 20343
education adopt identical resolutions under this section. 20344

(B) Any resolutions adopted under division (A) of this 20345
section shall include all of the following: 20346

(1) Provision for the date on which the cooperative 20347
district will be created, which date shall be the first day of 20348
July in the year specified in the resolution; 20349

(2) Provision for the composition, selection, and terms of 20350
office of the board of education of the cooperative district, 20351
which provision shall include but not necessarily be limited to 20352
both of the following: 20353

(a) A requirement that the board include at least two 20354
members selected from or by the members of the board of 20355
education of each city, local, and exempted village school 20356
district within the territory of the cooperative district; 20357

(b) Specification of the date by which the initial members 20358
of the board must be selected, which date shall be the same as 20359
the date specified pursuant to division (B) (1) of this section. 20360

(3) Provision for the selection of a superintendent and treasurer of the cooperative school district, which provision shall require one of the following:

(a) The selection of one person as both the superintendent and treasurer of the cooperative district, which provision may require such person to be the superintendent or treasurer of any city, local, or exempted village school district within the territory of the cooperative district;

(b) The selection of one person as the superintendent and another person as the treasurer of the cooperative district, which provision may require either one or both such persons to be superintendents or treasurers of any city, local, or exempted village school district within the territory of the cooperative district.

(4) A statement of the high school education program the board of education of the cooperative education school district will conduct in lieu of any high school education program being operated by the boards of education of the city, local, and exempted village school districts within the territory of the cooperative district, which statement shall include but not necessarily be limited to the high school grade levels to be operated in the program, the timetable for commencing operation of the program, and the facilities proposed to be used or constructed to be used by the program;

(5) A statement that the boards of education of the city, local, and exempted village school districts within the territory of the cooperative district will not operate any high school education program for the grade levels operated by the cooperative district;

(6) A statement of how special education and related services will be provided in accordance with Chapter 3323. of the Revised Code to the children with disabilities who are identified by each city, exempted village, or local school district with territory in the cooperative district and who are in the grade levels to be operated by the cooperative district;

(7) A statement of how transportation of students to and from school will be provided in the cooperative district, which statement shall include but not be necessarily limited to both of the following:

(a) How special education students will be transported as required by their individualized education program adopted pursuant to section 3323.08 of the Revised Code;

(b) Whether transportation to and from school will be provided to any other students of the cooperative district and, if so, the manner in which this transportation will be provided.

(8) A statement of the annual amount, or the method for determining the annual amount, of funds or services or facilities that each city, local, and exempted village school district is required to pay to or provide for the use of the board of education of the cooperative education school district;

(9) Provision for adopting amendments to the provisions adopted pursuant to divisions (B) (3) to (8) of this section, which provision shall require that any such amendments comply with divisions (B) (3) to (8) of this section.

(C) Upon the adoption of identical resolutions in accordance with this section, the cooperative education school district and board of education of that district specified in and selected in accordance with such resolutions shall be

established on the date specified in the resolutions. Upon the 20419
establishment of the district and board, the board of the 20420
cooperative district shall give written notice of the creation 20421
of the district to the county auditor and the board of elections 20422
of each county having any territory in the new district. 20423

Sec. 3311.53. (A) (1) The board of education of any city, 20424
local, or exempted village school district that wishes to become 20425
part of a cooperative education school district established 20426
pursuant to divisions (A) to (C) of section 3311.52 of the 20427
Revised Code may adopt a resolution proposing to become a part 20428
of the cooperative education school district. 20429

(2) The board of education of any city, local, or exempted 20430
village school district that is contiguous to a cooperative 20431
education school district established pursuant to section 20432
3311.521 of the Revised Code and that wishes to become part of 20433
that cooperative district may adopt a resolution proposing to 20434
become part of that cooperative district. 20435

(B) If, after the adoption of a resolution in accordance 20436
with division (A) of this section, the board of education of the 20437
cooperative education school district named in that resolution 20438
also adopts a resolution accepting the new district, the board 20439
of the district wishing to become part of the cooperative 20440
district shall advertise a copy of the cooperative district 20441
board's resolution in a newspaper of general circulation in the 20442
school district proposing to become a part of the cooperative 20443
education school district once each week for two weeks, or as 20444
provided in section 7.16 of the Revised Code, immediately 20445
following the date of the adoption of the resolution. The 20446
resolution shall become legally effective on the sixtieth day 20447
after its adoption, unless prior to the expiration of that 20448

sixty-day period qualified electors residing in the school 20449
district proposed to become a part of the cooperative education 20450
school district equal in number to a majority of the qualified 20451
electors voting at the last general election file with the board 20452
of education a petition of remonstrance against the transfer. If 20453
the resolution becomes legally effective, both of the following 20454
shall apply: 20455

(1) The resolution that established the cooperative 20456
education school district pursuant to divisions (A) to (C) of 20457
section 3311.52 or section 3311.521 of the Revised Code shall be 20458
amended to reflect the addition of the new district to the 20459
cooperative district. 20460

(2) The board of education of the cooperative education 20461
school district shall give written notice of this fact to the 20462
county auditor and the board of elections of each county in 20463
which the school district becoming a part of the cooperative 20464
education school district has territory. Any such county auditor 20465
shall thereupon have any outstanding levy for building purposes, 20466
bond retirement, or current expenses in force in the cooperative 20467
education school district spread over the territory of the 20468
school district becoming a part of the cooperative education 20469
school district. 20470

(C) If the board of education of the cooperative education 20471
school district is not the governing board of an educational 20472
service center, the board of education of the cooperative 20473
education school district shall, on the addition of a city, 20474
local, or exempted village school district to the district 20475
pursuant to this section, submit to the ~~state board~~ department 20476
of education and workforce a proposal to enlarge the membership 20477
of the board. In the case of a cooperative district established 20478

pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code, the proposal shall add one or more persons to the district's board, at least one of whom shall be a member of or selected by the board of education of the additional school district, and shall specify the term of each such additional member. In the case of a cooperative district established pursuant to section 3311.521 of the Revised Code, the proposal shall add two or more persons to the district's board, at least two of whom shall be a member of or selected by the board of education of the additional school district, and shall specify the term of each such additional member. On approval by the ~~state board of education department~~, the additional members shall be added to the cooperative education school district board of education.

Sec. 3311.60. This section applies to any school district that has an average daily membership, as reported under division (A) of section 3317.03 of the Revised Code, greater than sixty thousand and of which the majority of the district's territory is located in a city with a population greater than seven hundred thousand according to the most recent federal decennial census.

(A) Subject to approval by the electors under section 3311.61 of the Revised Code, the board of education of a school district to which this section applies shall create the position of independent auditor to be responsible for all internal auditing functions of the district. The independent auditor shall be selected by the selection committee prescribed by division (B) of this section. Upon selection of the independent auditor, the district board shall execute a written contract of employment with the independent auditor. The district board shall appropriate funds to support the operations and functions

of the independent auditor and shall grant the independent 20510
auditor access to all district personnel, equipment, and records 20511
necessary to perform the duties prescribed by divisions (C) and 20512
(D) of this section. The term of office for the independent 20513
auditor shall be for five years and may be renewed for 20514
additional terms by the selection committee. 20515

(B) (1) The independent auditor selection committee shall 20516
consist of the mayor, council president, and auditor of the city 20517
in which a majority of the territory of the district is located; 20518
the president of the school district board of education; and the 20519
probate court judge of the county in which a majority of the 20520
territory of the district is located. Members of the selection 20521
committee shall serve without compensation. 20522

(2) The selection committee shall do the following: 20523

(a) Establish qualifications for the position of 20524
independent auditor; 20525

(b) Select, by majority vote, an individual to serve as 20526
the independent auditor; 20527

(c) Recommend to the district board of education the 20528
compensation for the position of independent auditor and the 20529
necessary additional funds to finance operations and functions 20530
of the independent auditor; 20531

(d) Reappoint the independent auditor for an additional 20532
term, by a majority vote of the selection committee members; 20533

(e) Appoint a successor, if the current independent 20534
auditor is not reappointed, by a majority vote of the committee 20535
members; 20536

(f) In the event of a vacancy in the office of independent 20537

auditor, appoint a successor to the balance of the unexpired term, by a majority vote of the selection committee members; 20538
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(g) Remove the independent auditor from office, by a two-thirds vote of the selection committee members. 20540
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(C) The independent auditor shall do the following: 20542

(1) Recommend to the district board of education the employment of personnel necessary to carry out the activities of the independent auditor; 20543
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(2) Prescribe duties and qualifications for staff of the independent auditor; 20546
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(3) Serve as the district's public records officer and oversee the maintenance and availability of the school district's public documents; 20548
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(4) Prior to certification by the school district superintendent, review reports and data that must be submitted to the department of education ~~and the state board of education_~~ and workforce; 20551
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(5) Receive any complaints of alleged wrongful or illegal acts regarding the district's operations, finances, and data reported under the education management information system prescribed under section 3301.0714 of the Revised Code and supervise the internal investigation of those complaints. At the independent auditor's discretion, the independent auditor may initiate investigations. 20555
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(6) Report the results of investigations of such wrongful or illegal acts, whether criminal in nature or otherwise, to the appropriate authorities or agencies, including the school district board of education, the city attorney of the city in 20562
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which a majority of the territory of the district is located, 20566
the prosecuting attorney of the county in which a majority of 20567
the territory of the district is located, the auditor of state, 20568
the department of education and workforce, and the Ohio ethics 20569
commission; 20570

(7) Propose to the selection committee a budget to support 20571
the independent auditor's operations and functions; 20572

(8) Audit funds a partnering community school receives 20573
from the district's partnering community schools fund 20574
established under section 5705.21 of the Revised Code; 20575

(9) Submit, not later than the first day of September of 20576
each year, a report on the activities of the independent auditor 20577
to the selection committee, the board of education of the school 20578
district, and the general assembly in accordance with section 20579
101.68 of the Revised Code. The report required under division 20580
~~(C) (8)~~ (C) (9) of this section is a public record under section 20581
149.43 of the Revised Code. 20582

If sufficient funds are available, the independent auditor 20583
may obtain the services of certified public accountants, 20584
qualified management consultants, or other professional experts 20585
necessary to perform the duties prescribed under divisions (C) 20586
and (D) of this section. 20587

(D) In cooperation with the school district board of 20588
education and in coordination with the auditor of state, the 20589
independent auditor may conduct or initiate financial and 20590
performance audits and analyses of the school district to ensure 20591
the following: 20592

(1) School district activities and programs comply with 20593
all applicable laws and district policies, procedures, and 20594

appropriations;	20595
(2) Student performance and enrollment data are accurately and clearly reported;	20596 20597
(3) Ballot requests to levy a tax are based on accurate analysis and the needs of the district;	20598 20599
(4) Individual contracts of the district are consistent with the policies, procedures, budgets, and financial plans adopted by the district board;	20600 20601 20602
(5) Incentive-based distributions and plans are consistent with the objectives adopted by the district board;	20603 20604
(6) District operations are executed in a cost-effective and efficient manner consistent with the objectives of and appropriations made by the district board;	20605 20606 20607
(7) Accuracy of district financial statements and reports;	20608
(8) Recommendations for improvement that have been adopted by the district board are implemented;	20609 20610
(9) Operating units or departments have necessary and appropriate operating and administrative policies, procedures, internal controls, and data quality protocols;	20611 20612 20613
(10) Proper evaluation of district programs and activities, including a full accounting of all funds.	20614 20615
Sec. 3311.71. (A) As used in this section and in sections 3311.72 to 3311.87 of the Revised Code:	20616 20617
(1) "Municipal school district" means a school district that is or has ever been under a federal court order requiring supervision and operational, fiscal, and personnel management of the district by the state -superintendent of public instruction_	20618 20619 20620 20621

prior to the effective date of this amendment or by the director 20622
of education and workforce on and after the effective date of 20623
this amendment. 20624

(2) "Mayor" means the mayor of the municipal corporation 20625
containing the greatest portion of a municipal school district's 20626
territory. 20627

(B) Whenever any municipal school district is released by 20628
a federal court from an order requiring supervision and 20629
operational, fiscal, and personnel management of the district by 20630
the state superintendent or director of education and workforce, 20631
the management and control of that district shall be assumed, 20632
effective immediately, by a new nine-member board of education. 20633
Members of the new board shall be appointed by the mayor, who 20634
shall also designate one member as the chairperson of the board. 20635
In addition to the rights, authority, and duties conferred upon 20636
the chairperson by sections 3311.71 to 3311.87 of the Revised 20637
Code, the chairperson shall have all the rights, authority, and 20638
duties conferred upon the president of a board of education by 20639
the Revised Code that are not inconsistent with sections 3311.71 20640
to 3311.87 of the Revised Code. 20641

(C) No school board member shall be appointed by the mayor 20642
pursuant to division (B) of this section until the mayor has 20643
received a slate of at least eighteen candidates nominated by a 20644
municipal school district nominating panel, at least three of 20645
whom reside in the municipal school district but not in the 20646
municipal corporation containing the greatest portion of the 20647
district's territory. The municipal school district nominating 20648
panel shall be initially convened and chaired by the state 20649
superintendent ~~of public instruction~~ or director, who shall 20650
serve as a nonvoting member for the first two years of the 20651

panel's existence, and shall consist of eleven persons selected 20652
as follows: 20653

(1) Three parents or guardians of children attending the 20654
schools of the municipal school district appointed by the 20655
district parent-teacher association, or similar organization 20656
selected by the state superintendent or director; 20657

(2) Three persons appointed by the mayor; 20658

(3) One person appointed by the president of the 20659
legislative body of the municipal corporation containing the 20660
greatest portion of the municipal school district's territory; 20661

(4) One teacher appointed by the collective bargaining 20662
representative of the school district's teachers; 20663

(5) One principal appointed through a vote of the school 20664
district's principals, which vote shall be conducted by the 20665
state superintendent or director; 20666

(6) One representative of the business community appointed 20667
by an organized collective business entity selected by the 20668
mayor; 20669

(7) One president of a public or private institution of 20670
higher education located within the municipal school district 20671
appointed by the state superintendent ~~of public instruction~~ or 20672
director. 20673

The municipal school district nominating panel shall 20674
select one of its members as its chairperson commencing two 20675
years after the date of the first meeting of the panel, at which 20676
time the state superintendent ~~of public instruction~~ or director 20677
shall no longer convene or chair the panel. Thereafter, the 20678
panel shall meet as necessary to make nominations at the call of 20679

the chairperson. All members of the panel shall serve at the pleasure of the appointing authority. Vacancies on the panel shall be filled in the same manner as the initial appointments.

(D) No individual shall be appointed by the mayor pursuant to division (B) or (F) of this section unless the individual has been nominated by the nominating panel, resides in the school district, and holds no elected public office. At any given time, four of the nine members appointed by the mayor to serve on the board pursuant to either division (B) or (F) of this section shall have displayed, prior to appointment, significant expertise in either the education field, finance, or business management. At all times at least one member of the board shall be an individual who resides in the municipal school district but not in the municipal corporation containing the greatest portion of the district's territory.

(E) The terms of office of all members appointed by the mayor pursuant to division (B) of this section shall expire on the next thirtieth day of June following the referendum election required by section 3311.73 of the Revised Code. The mayor may, with the advice and consent of the nominating panel, remove any member appointed pursuant to that division or division (F) of this section for cause.

(F) If the voters of the district approve the continuation of an appointed board at the referendum election required by section 3311.73 of the Revised Code, the mayor shall appoint the members of a new board from a slate prepared by the nominating panel in the same manner as the initial board was appointed pursuant to divisions (B), (C), and (D) of this section. Five of the members of the new board shall be appointed to four-year terms and the other four shall be appointed to two-year terms,

each term beginning on the first day of July. Thereafter, the
mayor shall appoint members to four-year terms in the same
manner as described in divisions (B), (C), and (D) of this
section. The minimum number of individuals who shall be on the
slate prepared by the nominating panel for this purpose shall be
at least twice the number of members to be appointed, including
at least two who reside in the municipal school district but not
in the municipal corporation containing the greatest portion of
the district's territory.

(G) In addition to the nine members appointed by the
mayor, the boards appointed pursuant to divisions (B) and (F) of
this section shall include the following nonvoting ex officio
members:

(1) If the main campus of a state university specified in
section 3345.011 of the Revised Code is located within the
municipal school district, the president of the university or
the president's designee;

(2) If any community college has its main branch located
within the district, the president of the community college that
has the largest main branch within the district, or the
president's designee.

Sec. 3311.74. (A) The board of education of a municipal
school district, in consultation with the department of
education and workforce, shall set goals for the district's
educational, financial, and management progress and establish
accountability standards with which to measure the district's
progress.

(B) (1) The chief executive officer of a municipal school
district shall develop, implement, and regularly update a plan

to measure student academic performance at each school within 20739
the district. The plan developed by the chief executive officer 20740
shall include a component that requires the parents or guardians 20741
of students who attend the district's schools to attend, prior 20742
to the fifteenth day of December each year, at least one parent- 20743
teacher conference or similar event held by the school the 20744
student attends to provide an opportunity for the parents and 20745
guardians to meet the student's teachers, discuss expectations 20746
for the student, discuss the student's performance, and foster 20747
communication between home and school. 20748

(2) Where measurements demonstrate that students in 20749
particular schools are not achieving, or are not improving their 20750
achievement levels at an acceptable rate, the plan shall contain 20751
provisions requiring the chief executive officer, with the 20752
concurrence of the board, to take corrective action within those 20753
schools, including, but not limited to, reallocation of academic 20754
and financial resources, reassignment of staff, redesign of 20755
academic programs, adjusting the length of the school year or 20756
school day, and deploying additional assistance to students. 20757

(3) Prior to taking corrective action pursuant to the 20758
plan, the chief executive officer shall first identify which 20759
schools are in need of corrective action, what corrective action 20760
is warranted at each school, and when the corrective action 20761
should be implemented. Collectively, these items shall be known 20762
as the "corrective plan." The corrective plan is not intended to 20763
be used as a cost savings measure; rather, it is intended to 20764
improve student performance at targeted schools. 20765

Immediately after developing the corrective plan, the 20766
chief executive officer and the presiding officer of each labor 20767
organization whose members will be affected by the corrective 20768

plan shall each appoint up to four individuals to form one or more corrective action teams. The corrective action teams, within the timelines set by the chief executive officer for implementation of the corrective plan, shall collaborate with the chief executive officer and, where there are overlapping or mutual concerns, with other corrective action teams to make recommendations to the chief executive officer on implementation of the corrective plan.

If the chief executive officer disagrees with all or part of the recommendations of a corrective action team, or if a corrective action team fails to make timely recommendations on the implementation of all or part of the corrective plan, the chief executive officer may implement the corrective plan in the manner in which the chief executive officer determines to be in the best interest of the students, consistent with the timelines originally established.

The chief executive officer and any corrective action team are not bound by the applicable provisions of collective bargaining agreements in developing recommendations for and implementing the corrective plan.

(4) Notwithstanding anything to the contrary in Chapter 4117. of the Revised Code, the content and implementation of the corrective plan prevail over any conflicting provision of a collective bargaining agreement entered into on or after ~~the effective date of this amendment~~ October 1, 2012.

(C) Annually the chief executive officer shall issue a report to residents of the district that includes results of achievement measurements made under division (B)(1) of this section and delineates the nature of any reforms and corrective actions being taken in response to any failure to achieve at an

acceptable level or rate. The report shall also contain 20799
descriptions of efforts undertaken to improve the overall 20800
quality or efficiency of operation of the district, shall list 20801
the source of all district revenues, and shall contain a 20802
description of all district expenditures during the preceding 20803
fiscal year. 20804

(D) The chief executive officer shall implement a public 20805
awareness campaign to keep the parents and guardians of the 20806
district's students informed of the changes being implemented 20807
within the district. The campaign may include such methods as 20808
community forums, letters, and brochures. It shall include 20809
annual distribution to all parents and guardians of an 20810
information card specifying the names and business addresses and 20811
telephone numbers of the ombudspersons appointed under section 20812
3311.72 of the Revised Code and other employees of the district 20813
board of education who may serve as information resources for 20814
parents and guardians. 20815

Sec. 3311.741. (A) This section applies only to a 20816
municipal school district in existence on July 1, 2012. 20817

(B) Not later than December 1, 2012, the board of 20818
education of each municipal school district to which this 20819
section applies shall submit to the ~~superintendent of public~~ 20820
~~instruction~~ director of education and workforce an array of 20821
measures to be used in evaluating the performance of the 20822
district. The measures shall assess at least overall student 20823
achievement, student progress over time, the achievement and 20824
progress over time of each of the applicable categories of 20825
students described in division (G) of section 3302.03 of the 20826
Revised Code, and college and career readiness. The ~~state~~ 20827
~~superintendent~~ director shall approve or disapprove the measures 20828

by January 15, 2013. If the measures are disapproved, the ~~state-~~ 20829
~~superintendent-director~~ shall recommend modifications that will 20830
make the measures acceptable. 20831

(C) Beginning with the 2012-2013 school year, the board 20832
annually shall establish goals for improvement on each of the 20833
measures approved under division (B) of this section. The school 20834
district's performance data for the 2011-2012 school year shall 20835
be used as a baseline for determining improvement. 20836

(D) Not later than October 1, 2013, and by the first day 20837
of October each year thereafter, the board shall issue a report 20838
describing the school district's performance for the previous 20839
school year on each of the measures approved under division (B) 20840
of this section and whether the district has met each of the 20841
improvement goals established for that year under division (C) 20842
of this section. The board shall provide the report to the 20843
governor, the ~~superintendent of public instruction~~director of 20844
education and workforce, and, in accordance with section 101.68 20845
of the Revised Code, the general assembly. 20846

Sec. 3311.76. (A) Notwithstanding Chapters 3302. and 3317. 20847
of the Revised Code, upon written request of the district chief 20848
executive officer, the ~~state superintendent of public-~~ 20849
~~instruction~~director of education and workforce may exempt a 20850
municipal school district from any rules adopted under Title 20851
XXXIII of the Revised Code except for any rule adopted under 20852
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 20853
3323. of the Revised Code, and may authorize a municipal school 20854
district to apply funds allocated to the district under Chapter 20855
3317. of the Revised Code, except those specifically allocated 20856
to purposes other than current expenses, to the payment of debt 20857
charges on the district's public obligations. The request must 20858

specify the provisions from which the district is seeking 20859
exemption or the application of funds requested and the reasons 20860
for the request. The ~~state superintendent~~ director shall approve 20861
the request if the ~~superintendent~~ director finds the requested 20862
exemption or application of funds is in the best interest of the 20863
district's students. The ~~superintendent~~ director shall approve 20864
or disapprove the request within thirty days and shall notify 20865
the district board and the district chief executive officer of 20866
approval or reasons for disapproving the request. 20867

(B) The board of education of a municipal school district 20868
may apply for an exemption from specific statutory provisions or 20869
rules under section 3302.07 of the Revised Code. 20870

(C) In addition to the rights, authority, and duties 20871
conferred upon a municipal school district and its board of 20872
education in sections 3311.71 to 3311.87 of the Revised Code, a 20873
municipal school district and its board shall have all of the 20874
rights, authority, and duties conferred upon a city school 20875
district and its board by law that are not inconsistent with 20876
sections 3311.71 to 3311.87 of the Revised Code. 20877

Sec. 3311.86. (A) As used in this section: 20878

(1) "Alliance" means a municipal school district 20879
transformation alliance established as a nonprofit corporation. 20880

(2) "Alliance municipal school district" means a municipal 20881
school district for which an alliance has been created under 20882
this section. 20883

(3) "Partnering community school" means a community school 20884
established under Chapter 3314. of the Revised Code that is 20885
located within the territory of a municipal school district and 20886
that either is sponsored by the district or is a party to an 20887

agreement with the district whereby the district and the 20888
community school endorse each other's programs. 20889

(4) "Transformation alliance education plan" means a plan 20890
prepared by the mayor, and confirmed by the alliance, to 20891
transform public education in the alliance municipal school 20892
district to a system of municipal school district schools and 20893
partnering community schools that will be held to the highest 20894
standards of school performance and student achievement. 20895

(B) If one or more partnering community schools are 20896
located in a municipal school district, the mayor may initiate 20897
proceedings to establish a municipal school district 20898
transformation alliance as a nonprofit corporation under Chapter 20899
1702. of the Revised Code. The mayor shall have sole authority 20900
to appoint the directors of any alliance created under this 20901
section. The directors of the alliance shall include 20902
representatives of all of the following: 20903

(1) The municipal school district; 20904

(2) Partnering community schools; 20905

(3) Members of the community at large, including parents 20906
and educators; 20907

(4) The business community, including business leaders and 20908
foundation leaders. 20909

No one group listed in divisions (B)(1) to (4) of this 20910
section shall comprise a majority of the directors. The mayor 20911
shall be an ex officio director, and serve as the chairperson of 20912
the board of directors, of any alliance created under this 20913
section. If the proceedings are initiated, the mayor shall 20914
identify the directors in the articles of incorporation filed 20915
under section 1702.04 of the Revised Code. 20916

(C) (1) A majority of the members of the board of directors 20917
of the alliance shall constitute a quorum of the board. Any 20918
formal action taken by the board of directors shall take place 20919
at a meeting of the board and shall require the concurrence of a 20920
majority of the members of the board. Meetings of the board of 20921
directors shall be public meetings open to the public at all 20922
times, except that the board and its committees and 20923
subcommittees may hold an executive session, as if it were a 20924
public body with public employees, for any of the purposes for 20925
which an executive session of a public body is permitted under 20926
division (G) of section 121.22 of the Revised Code, 20927
notwithstanding that the alliance is not a public body as 20928
defined in that section, and its employees are not public 20929
employees as provided in division (F) of this section. The board 20930
of directors shall establish reasonable methods whereby any 20931
person may determine the time and place of all of the board's 20932
public meetings and by which any person, upon request, may 20933
obtain reasonable advance notification of the board's public 20934
meetings. Provisions for that advance notification may include, 20935
but are not limited to, mailing notices to all subscribers on a 20936
mailing list or mailing notices in self-addressed, stamped 20937
envelopes provided by the person. 20938

(2) All records of the alliance shall be organized and 20939
maintained by the alliance and also filed with the department of 20940
education and workforce. The alliance and the department shall 20941
make those records available to the public as though those 20942
records were public records for purposes of Chapter 149. of the 20943
Revised Code. The department shall promptly notify the alliance 20944
upon the department's receipt of any requests for records 20945
relating to the alliance pursuant to section 149.43 of the 20946
Revised Code. 20947

(3) The board of directors of the alliance shall establish a conflicts of interest policy and shall adopt that policy, and any amendments to the policy, at a meeting of the board held in accordance with this section.

(D) (1) If an alliance is created under this section, the alliance shall do all of the following:

(a) Report annually on the performance of all municipal school district schools and all community schools established under Chapter 3314. of the Revised Code and located in the district, using the criteria adopted under division (B) of section 3311.87 of the Revised Code;

(b) Confirm and monitor implementation of the transformation alliance education plan;

(c) Suggest national education models for and provide input in the development of new municipal school district schools and partnering community schools.

(2) If an alliance is created under this section, the ~~department of education~~ may request alliance comment, or the alliance independently may offer comment to the department, on the granting, renewal, or extension of an agreement with a sponsor of community schools under section 3314.015 of the Revised Code when the sponsor has existing agreements with a community school located in an alliance municipal school district. If the alliance makes comments, those comments shall be considered by the department prior to making its decision whether to grant, renew, or extend the agreement.

For purposes of division (D) (2) of this section, comments by the alliance shall be based on the criteria established under division (A) of section 3311.87 of the Revised Code.

(E) Divisions (E) (1) to (3) of this section apply to each community school sponsor that is subject to approval by the department under section 3314.015 of the Revised Code whose approval under that section is granted, renewed, or extended on or after October 1, 2012. Divisions (E) (1) to (3) of this section do not apply to a sponsor that has been approved by the department prior to that date, until the sponsor's approval is renewed, granted anew, or extended on or after that date.

(1) Before a sponsor to which this section applies may sponsor new community schools in an alliance municipal school district, the sponsor shall request recommendation from the alliance to sponsor community schools in the district.

(2) The alliance shall review the sponsor's request and shall make a recommendation to the department based on the standards for sponsors developed under division (A) (2) of section 3311.87 of the Revised Code.

(3) The department shall use the standards developed under division (A) (2) of section 3311.87 of the Revised Code, in addition to any other requirements of the Revised Code, to review a sponsor's request and make a final determination, on recommendation of the alliance, of whether the sponsor may sponsor new community schools in the alliance municipal school district.

No sponsor shall be required to receive authorization to sponsor new community schools under division (E) (3) of this section more than one time.

(F) Directors, officers, and employees of an alliance are not public employees or public officials, are not subject to Chapters 124., 145., and 4117. of the Revised Code, and are not

"public officials" or "public servants" as defined in section 21006
2921.01 of the Revised Code. Membership on the board of 21007
directors of an alliance does not constitute the holding of an 21008
incompatible public office or employment in violation of any 21009
statutory or common law prohibition against the simultaneous 21010
holding of more than one public office or employment. Members of 21011
the board of directors of an alliance are not disqualified from 21012
holding any public office by reason of that membership, and do 21013
not forfeit by reason of that membership the public office or 21014
employment held when appointed to the board, notwithstanding any 21015
contrary disqualification or forfeiture requirement under the 21016
Revised Code or the common law of this state. 21017

Sec. 3311.87. The department of education and workforce, 21018
in conjunction with the municipal school district transformation 21019
alliance established under section 3311.86 of the Revised Code, 21020
if such an alliance is established under that section, and a 21021
statewide nonprofit organization whose membership is comprised 21022
solely of entities that sponsor community schools and whose 21023
members sponsor the majority of start-up community schools in 21024
the state, shall do all of the following: 21025

(A) Not later than December 31, 2012, establish both of 21026
the following: 21027

(1) Objective criteria to be used by a sponsor to 21028
determine if it will sponsor new community schools located 21029
within the municipal school district. Beginning with any 21030
community school that opens after July 1, 2013, each sponsor 21031
shall use the criteria established under this division to 21032
determine whether to sponsor a community school in the municipal 21033
district. 21034

(2) Criteria for assessing the ability of a sponsor to 21035

successfully sponsor a community school in a municipal school district. 21036
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The criteria adopted under divisions (A)(1) and (2) of this section shall be based on standards issued by the national association of charter school authorizers or any other nationally organized community or charter school organization. 21038
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(B) Not later than April 30, 2013, establish a comprehensive framework to assess the efficacy of district schools and community schools located in the municipal school district. Where possible, the framework shall be based on nationally accepted quality standards and principles for schools and shall be specific to a school's model, mission, and student populations. 21042
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Sec. 3312.01. (A) The educational regional service system is hereby established. The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under Chapter 3314. of the Revised Code, and chartered nonpublic schools. 21049
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It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools. 21057
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(B) The educational regional service system shall consist of the following: 21063
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(1) The advisory councils and subcommittees established	21065
under sections 3312.03 and 3312.05 of the Revised Code;	21066
(2) A fiscal agent for each of the regions as configured	21067
under section 3312.02 of the Revised Code;	21068
(3) Educational service centers, information technology	21069
centers established under section 3301.075 of the Revised Code,	21070
and other regional education service providers.	21071
(C) Educational service centers shall provide the services	21072
that they are specifically required to provide by the Revised	21073
Code and may enter into agreements pursuant to section 3313.843,	21074
3313.844, or 3313.845 of the Revised Code for the provision of	21075
other services, which may include any of the following:	21076
(1) Assistance in improving student performance;	21077
(2) Services to enable a school district or school to	21078
operate more efficiently or economically;	21079
(3) Professional development for teachers or	21080
administrators;	21081
(4) Assistance in the recruitment and retention of	21082
teachers and administrators;	21083
(5) Applying for any state or federal grant on behalf of a	21084
school district;	21085
(6) Any other educational, administrative, or operational	21086
services.	21087
In addition to implementing state and regional education	21088
initiatives and school improvement efforts under the educational	21089
regional service system, educational service centers shall	21090
implement state or federally funded initiatives assigned to the	21091

service centers by the general assembly or the department of 21092
education and workforce. 21093

Any educational service center selected to be a fiscal 21094
agent for its region pursuant to section 3312.07 of the Revised 21095
Code shall continue to operate as an educational service center 21096
for the part of the region that comprises its territory. 21097

(D) An educational service center shall be considered a 21098
school district or a local education agency for the purposes of 21099
eligibility in applying for any state or competitive federal 21100
grant. 21101

(E) Information technology centers may enter into 21102
agreements for the provision of services pursuant to section 21103
3312.10 of the Revised Code. 21104

(F) No school district, community school, or chartered 21105
nonpublic school shall be required to purchase services from an 21106
educational service center or information technology center in 21107
the region in which the district or school is located, except 21108
that a local school district shall receive any services required 21109
by the Revised Code to be provided by an educational service 21110
center to the local school districts in its territory from the 21111
educational service center in whose territory the district is 21112
located. 21113

Sec. 3312.02. (A) There shall be the following sixteen 21114
regions in the educational regional service system: 21115

(1) Region one shall consist of the territory contained in 21116
Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, 21117
Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood counties. 21118

(2) Region two shall consist of the territory contained in 21119
Erie, Huron, and Lorain counties. 21120

- (3) Region three shall consist of the territory contained in Cuyahoga county. 21121
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- (4) Region four shall consist of the territory contained in Geauga and Lake counties. 21123
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- (5) Region five shall consist of the territory contained in Ashtabula, Mahoning, and Trumbull counties. 21125
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- (6) Region six shall consist of the territory contained in Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby counties. 21127
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- (7) Region seven shall consist of the territory contained in Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot counties. 21130
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- (8) Region eight shall consist of the territory contained in Medina, Portage, and Summit counties. 21133
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- (9) Region nine shall consist of the territory contained in Columbiana, Stark, and Wayne counties. 21135
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- (10) Region ten shall consist of the territory contained in Clark, Darke, Greene, Miami, Montgomery, and Preble counties. 21137
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- (11) Region eleven shall consist of the territory contained in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union counties. 21139
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- (12) Region twelve shall consist of the territory contained in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum, Noble, and Tuscarawas counties. 21142
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- (13) Region thirteen shall consist of the territory contained in Butler, Clermont, Hamilton, and Warren counties. 21145
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- (14) Region fourteen shall consist of the territory 21147

contained in Adams, Brown, Clinton, Fayette, and Highland 21148
counties. 21149

(15) Region fifteen shall consist of the territory 21150
contained in Lawrence, Pike, Ross, and Scioto counties. 21151

(16) Region sixteen shall consist of the territory 21152
contained in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, 21153
Morgan, Perry, Vinton, and Washington counties. 21154

(B) ~~Not later than July 1, 2007, the state board~~ The 21155
department of education and workforce shall adopt rules 21156
establishing a process whereby a school district may elect to 21157
transfer to a region other than the region to which the district 21158
is assigned by this section. ~~The state board~~ department shall 21159
consult with school districts and regional service providers in 21160
developing the process. No school district shall be permitted to 21161
transfer to a different region under this division after June 21162
30, 2009. 21163

Sec. 3312.04. The advisory council of each region of the 21164
educational regional service system shall do all of the 21165
following: 21166

(A) Identify regional needs and priorities for educational 21167
services to inform the department of education and workforce in 21168
the development of the performance contracts entered into by the 21169
fiscal agent of the region under section 3312.08 of the Revised 21170
Code; 21171

(B) Develop policies to coordinate the delivery of 21172
services to school districts, community schools, and chartered 21173
nonpublic schools in a manner that responds to regional needs 21174
and priorities. Such policies shall not supersede any 21175
requirement of a performance contract entered into by the fiscal 21176

agent of the region under section 3312.08 of the Revised Code.	21177
(C) Make recommendations to the fiscal agent for the region regarding the expenditure of funds available to the region for implementation of state and regional education initiatives and school improvement efforts;	21178 21179 21180 21181
(D) Monitor implementation of state and regional education initiatives and school improvement efforts by educational service centers, information technology centers, and other regional service providers to ensure that the terms of the performance contracts entered into by the fiscal agent for the region under section 3312.08 of the Revised Code are being met;	21182 21183 21184 21185 21186 21187
(E) Establish an accountability system to evaluate the advisory council on its performance of the duties described in divisions (A) to (D) of this section.	21188 21189 21190
Sec. 3312.07. (A) Not later than January 31, 2007, the <u>The</u> department of education <u>and workforce</u> shall select a school district or educational service center in each region of the educational regional service system to be the fiscal agent for the region. For this purpose, the department shall issue a request for proposals from districts and service centers interested in being a fiscal agent. The department shall select each fiscal agent based upon the following criteria:	21191 21192 21193 21194 21195 21196 21197 21198
(1) Capability to serve as a fiscal agent as demonstrated by a satisfactory audit record and prior experience serving as a fiscal agent;	21199 21200 21201
(2) Adequate capacity in terms of facilities, personnel, and other relevant resources;	21202 21203
(3) Evidence that the school district's or educational service center's role as a fiscal agent would result in minimal	21204 21205

disruption to its responsibilities as a district or service center; 21206
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(4) Demonstrated intent to limit the aggregate fees for administering a performance contract entered into under section 3312.08 of the Revised Code to not more than seven per cent of the value of the contract. 21208
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(B) If no school district or educational service center in a region responds to the request for proposals issued by the department, the department shall select a district or service center in the region that meets the criteria in division (A) of this section to be the fiscal agent for the region. 21212
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Sec. 3312.08. Each fiscal agent selected by the department of education and workforce pursuant to section 3312.07 of the Revised Code shall do all of the following: 21217
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(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts; 21220
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(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, information technology centers, and other regional service providers. However, any funds owed to an educational service center in accordance with an agreement entered into under section 3313.843, 3313.844, or 3313.845 of the Revised Code shall be paid directly to the service center by the department and any operating funds appropriated for an information technology center shall be paid directly to the 21224
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information technology center by the department pursuant to 21235
section 3301.075 of the Revised Code. 21236

(C) Implement any expenditure of funds recommended by the 21237
advisory council for the region pursuant to section 3312.04 of 21238
the Revised Code or required by the terms of any performance 21239
contract, unless there are insufficient funds available to the 21240
region to pay for the expenditure or the expenditure violates a 21241
provision of the Revised Code, a rule of the ~~state board of~~ 21242
~~education department~~ regarding such expenditure, or the terms of 21243
a performance contract; 21244

(D) Exercise fiscal oversight of the implementation of 21245
state and regional education initiatives and school improvement 21246
efforts. 21247

Sec. 3312.09. (A) Each performance contract entered into 21248
by the department of education and workforce and the fiscal 21249
agent of a region for implementation of a state or regional 21250
education initiative or school improvement effort shall include 21251
the following: 21252

(1) An explanation of how the regional needs and 21253
priorities for educational services have been identified by the 21254
advisory council of the region, the advisory council's 21255
subcommittees, and the department; 21256

(2) A definition of the services to be provided to school 21257
districts, community schools, and chartered nonpublic schools in 21258
the region, including any services provided pursuant to division 21259
(A) of section 3302.04 of the Revised Code; 21260

(3) Expected outcomes from the provision of the services 21261
defined in the contract; 21262

(4) The method the department will use to evaluate whether 21263

the expected outcomes have been achieved;	21264
(5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory;	21265 21266 21267
(6) Data reporting requirements;	21268
(7) The aggregate fees to be charged by the fiscal agent and any entity with which it subcontracts to cover personnel and program costs associated with administering the contract, which fees shall be subject to controlling board approval if in excess of four per cent of the value of the contract.	21269 21270 21271 21272 21273
(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site.	21274 21275 21276
Sec. 3312.13. The department of education <u>and workforce</u> shall consider the following when entering into performance contracts with the fiscal agent of each region of the educational regional service system and when allocating funds for the implementation of statewide education initiatives by regional service providers;	21277 21278 21279 21280 21281 21282
(A) The unique needs and circumstances of the region;	21283
(B) The regional needs and priorities for educational services identified by the advisory council for the region;	21284 21285
(C) Any services that will be provided to school districts and schools within the region pursuant to division (A) of section 3302.04 of the Revised Code.	21286 21287 21288
Sec. 3313.03. Within three months after the official announcement of the result of each successive federal census, the board of education of each city school district which,	21289 21290 21291

according to such census, has a population of fifty thousand or 21292
more but less than one hundred fifty thousand persons and which 21293
elected to have subdistricts shall redistrict such districts 21294
into subdistricts. Such subdistricts shall be bounded as far as 21295
practicable by corporation lines, streets, alleys, avenues, 21296
public grounds, canals, watercourses, ward boundaries, voting 21297
precinct boundaries, or present school district boundaries, 21298
shall be as nearly equal in population as possible, and be 21299
composed of adjacent and as compact territory as practicable. If 21300
the board of any such district fails to district or redistrict 21301
such city school district, then the ~~superintendent of public~~ 21302
~~instruction~~ director of education and workforce shall forthwith 21303
district or redistrict such city school district, subject to 21304
sections 3313.01 to 3313.13, ~~inclusive~~, of the Revised Code. 21305

Sec. 3313.25. (A) Except as otherwise provided in section 21306
3.061 of the Revised Code, before entering upon the duties of 21307
office, the treasurer of each board of education shall execute a 21308
bond, in an amount and with surety to be approved by the board, 21309
payable to the state, conditioned for the faithful performance 21310
of all the official duties required of the treasurer. Such bond 21311
must be deposited with the president of the board, and a copy 21312
thereof, certified by the president, shall be filed with the 21313
county auditor. 21314

(B) (1) A treasurer shall not be held liable for a loss of 21315
public funds when the treasurer has performed all official 21316
duties required of the treasurer with reasonable care, but shall 21317
be liable only when a loss of public funds results from the 21318
treasurer's negligence or other wrongful act. 21319

(2) The department of education and workforce shall not 21320
consider the loss of public funds not resulting from the 21321

treasurer's negligence or other wrongful act a violation of the 21322
treasurer's professional duties, provided the treasurer has 21323
performed all official duties required of the treasurer with 21324
reasonable care. 21325

Sec. 3313.30. (A) If the auditor of state or a public 21326
accountant, under section 117.41 of the Revised Code, declares a 21327
school district to be unauditabile, the auditor of state shall 21328
provide written notification of that declaration to the district 21329
and the department of education and workforce. The auditor of 21330
state also shall post the notification on the auditor of state's 21331
web site. 21332

(B) If the district's current treasurer held that position 21333
during the period for which the district is unauditabile, upon 21334
receipt of the notification under division (A) of this section, 21335
the district board of education shall suspend the treasurer 21336
until the auditor of state or a public accountant has completed 21337
an audit of the district. Suspension of the treasurer may be 21338
with or without pay, as determined by the district board based 21339
on the circumstances that prompted the auditor of state's 21340
declaration. The district board shall appoint a person to assume 21341
the duties of the treasurer during the period of the suspension. 21342
If the appointee is not licensed as a treasurer under section 21343
3301.074 of the Revised Code, the appointee shall be approved by 21344
the ~~superintendent of public instruction~~ director of education 21345
and workforce before assuming the duties of the treasurer. The 21346
state board of education may take action under section 3319.31 21347
of the Revised Code to suspend, revoke, or limit the license of 21348
a treasurer who has been suspended under this division. 21349

(C) Not later than forty-five days after receiving the 21350
notification under division (A) of this section, the district 21351

board shall provide a written response to the auditor of state. 21352
The response shall include the following: 21353

(1) An overview of the process the district board will use 21354
to review and understand the circumstances that led to the 21355
district becoming unauditabile; 21356

(2) A plan for providing the auditor of state with the 21357
documentation necessary to complete an audit of the district and 21358
for ensuring that all financial documents are available in the 21359
future; 21360

(3) The actions the district board will take to ensure 21361
that the plan described in division (C) (2) of this section is 21362
implemented. 21363

(D) If the school district fails to make reasonable 21364
efforts and continuing progress to bring its accounts, records, 21365
files, or reports into an auditable condition within ninety days 21366
after being declared unauditabile, the auditor of state, in 21367
addition to requesting legal action under sections 117.41 and 21368
117.42 of the Revised Code, shall notify the district and the 21369
department of the district's failure. If the auditor of state or 21370
a public accountant subsequently is able to complete a financial 21371
audit of the district, the auditor of state shall notify the 21372
district and the department that the audit has been completed. 21373

(E) Notwithstanding any provision to the contrary in 21374
Chapter 3317. of the Revised Code or in any other provision of 21375
law, upon notification by the auditor of state under division 21376
(D) of this section that the district has failed to make 21377
reasonable efforts and continuing progress to bring its 21378
accounts, records, files, or reports into an auditable 21379
condition, the department shall immediately cease all payments 21380

to the district under Chapter 3317. of the Revised Code and any 21381
other provision of law. Upon subsequent notification from the 21382
auditor of state under that division that the auditor of state 21383
or a public accountant was able to complete a financial audit of 21384
the district, the department shall release all funds withheld 21385
from the district under this section. 21386

Sec. 3313.413. (A) As used in this section, "high- 21387
performing community school" means either of the following: 21388

(1) A community school established under Chapter 3314. of 21389
the Revised Code that meets the following conditions: 21390

(a) Except as provided in division (A) (1) (b) or (c) of 21391
this section, the school both: 21392

(i) Has received either a grade of "A," "B," or "C" for 21393
the performance index score under division (C) (1) (b) of section 21394
3302.03 of the Revised Code or a performance rating of three 21395
stars or higher for achievement under division (D) (3) (b) of that 21396
section; or has increased its performance index score under 21397
division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the 21398
Revised Code in each of the previous three years of operation; 21399
and 21400

(ii) Has received either a grade of "A" or "B" for the 21401
value-added progress dimension under division (C) (1) (e) of 21402
section 3302.03 of the Revised Code or a performance rating of 21403
four stars or higher for progress under division (D) (3) (c) of 21404
that section on its most recent report card rating issued under 21405
that section. 21406

(b) If the school serves only grades kindergarten through 21407
three, the school received either a grade of "A" or "B" for 21408
making progress in improving literacy in grades kindergarten 21409

through three under division (C) (1) (g) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for early literacy under division (D) (3) (e) of that section on its most recent report card issued under that section.

(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A) (4) (a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to purchase the property.

The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district.

(1) If more than one governing authority of a high-performing community school notifies the district treasurer of

its intention to purchase the property pursuant to division (B) 21439
of this section, the board shall conduct a public auction in the 21440
manner required for auctions of district property under division 21441
(A) of section 3313.41 of the Revised Code. Only the governing 21442
authorities of high-performing community schools that notified 21443
the district treasurer pursuant to division (B) of this section 21444
are eligible to bid at the auction. 21445

(2) If no governing authority of a high-performing 21446
community school notifies the district treasurer of its 21447
intention to purchase the property pursuant to division (B) of 21448
this section, the board shall then proceed with the offers from 21449
all other start-up community schools, college-preparatory 21450
boarding schools, and STEM schools made pursuant to that 21451
division. If more than one such entity notifies the district 21452
treasurer of its intention to purchase the property pursuant to 21453
division (B) of this section, the board shall conduct a public 21454
auction in the manner required for auctions of district property 21455
under division (A) of section 3313.41 of the Revised Code. Only 21456
the entities that notified the district treasurer pursuant to 21457
division (B) of this section are eligible to bid at the auction. 21458

(3) If no governing authority, board of trustees, or 21459
governing body notifies the district treasurer of its intention 21460
to purchase the property pursuant to division (B) of this 21461
section, the district may then offer the property for sale in 21462
the manner prescribed under divisions (A) to (F) of section 21463
3313.41 of the Revised Code. 21464

(C) Notwithstanding anything to the contrary in sections 21465
3313.41 and 3313.411 of the Revised Code, the purchase price of 21466
any real property sold to any of the entities in accordance with 21467
division (B) of this section shall not be more than the 21468

appraised fair market value of that property as determined in an 21469
appraisal of the property that is not more than one year old. 21470

(D) Not later than the first day of October of each year, 21471
the department of education and workforce shall post in a 21472
prominent location on its web site a list of schools that 21473
qualify as high-performing community schools for purposes of 21474
this section and section 3313.411 of the Revised Code. 21475

Sec. 3313.472. (A) The board of education of each city, 21476
exempted village, local, and joint vocational school district 21477
shall adopt a policy on parental involvement in the schools of 21478
the district. The policy shall be designed to build consistent 21479
and effective communication between the parents and foster 21480
caregivers of students enrolled in the district and the teachers 21481
and administrators assigned to the schools their children or 21482
foster children attend. The policy shall provide the opportunity 21483
for parents and foster caregivers to be actively involved in 21484
their children's or foster children's education and to be 21485
informed of the following: 21486

(1) The importance of the involvement of parents and 21487
foster caregivers in directly affecting the success of their 21488
children's or foster children's educational efforts; 21489

(2) How and when to assist their children or foster 21490
children in and support their children's or foster children's 21491
classroom learning activities; 21492

(3) Techniques, strategies, and skills to use at home to 21493
improve their children's or foster children's academic success 21494
and to support their children's or foster children's academic 21495
efforts at school and their children's or foster children's 21496
development as future responsible adult members of society. 21497

(B) The ~~state board department~~ of education and workforce 21498
shall adopt recommendations for the development of parental 21499
involvement policies under this section. Prior to adopting the 21500
recommendations, the ~~state board department~~ shall consult with 21501
the national center for parents at the university of Toledo. 21502

Sec. 3313.48. (A) The board of education of each city, 21503
exempted village, local, and joint vocational school district 21504
shall provide for the free education of the youth of school age 21505
within the district under its jurisdiction, at such places as 21506
will be most convenient for the attendance of the largest number 21507
thereof. Each school so provided and each chartered nonpublic 21508
school shall be open for instruction with pupils in attendance, 21509
including scheduled classes, supervised activities, and approved 21510
education options but excluding lunch and breakfast periods and 21511
extracurricular activities, for not less than four hundred 21512
fifty-five hours in the case of pupils in kindergarten unless 21513
such pupils are provided all-day kindergarten, as defined in 21514
section 3321.05 of the Revised Code, in which case the pupils 21515
shall be in attendance for nine hundred ten hours; nine hundred 21516
ten hours in the case of pupils in grades one through six; and 21517
one thousand one hours in the case of pupils in grades seven 21518
through twelve in each school year, which may include all of the 21519
following: 21520

(1) Up to the equivalent of two school days per year 21521
during which pupils would otherwise be in attendance but are not 21522
required to attend for the purpose of individualized parent- 21523
teacher conferences and reporting periods; 21524

(2) Up to the equivalent of two school days per year 21525
during which pupils would otherwise be in attendance but are not 21526
required to attend for professional meetings of teachers; 21527

(3) Morning and afternoon recess periods of not more than 21528
fifteen minutes duration per period for pupils in grades 21529
kindergarten through six. 21530

(B) Not later than thirty days prior to adopting a school 21531
calendar, the board of education of each city, exempted village, 21532
and local school district shall hold a public hearing on the 21533
school calendar, addressing topics that include, but are not 21534
limited to, the total number of hours in a school year, length 21535
of school day, and beginning and end dates of instruction. 21536

(C) No school operated by a city, exempted village, local, 21537
or joint vocational school district shall reduce the number of 21538
hours in each school year that the school is scheduled to be 21539
open for instruction from the number of hours per year the 21540
school was open for instruction during the previous school year 21541
unless the reduction is approved by a resolution adopted by the 21542
district board of education. Any reduction so approved shall not 21543
result in fewer hours of instruction per school year than the 21544
applicable number of hours required under division (A) of this 21545
section. 21546

(D) Prior to making any change in the hours or days in 21547
which a high school under its jurisdiction is open for 21548
instruction, the board of education of each city, exempted 21549
village, and local school district shall consider the 21550
compatibility of the proposed change with the scheduling needs 21551
of any joint vocational school district in which any of the high 21552
school's students are also enrolled. The board shall consider 21553
the impact of the proposed change on student access to the 21554
instructional programs offered by the joint vocational school 21555
district, incentives for students to participate in career- 21556
technical education, transportation, and the timing of 21557

graduation. The board shall provide the joint vocational school district board with advance notice of the proposed change and the two boards shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of the change.

(E) Subject to section 3327.016 of the Revised Code, prior to making any change in the hours or days in which a school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any community school established under Chapter 3314. of the Revised Code to which the district is required to transport students under sections 3314.09 and 3327.01 of the Revised Code. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the community school, transportation, and the timing of graduation. The board shall provide the sponsor, governing authority, and operator of the community school with advance notice of the proposed change, and the board and the governing authority, or operator if such authority is delegated to the operator, shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the community school prior to implementation of the change.

(F) Subject to section 3327.016 of the Revised Code, prior to making any change in the hours or days in which the schools under its jurisdiction are open for instruction, the board of education of each city, exempted village, and local school district shall consult with the chartered nonpublic schools to which the district is required to transport students under

section 3327.01 of the Revised Code and shall consider the 21589
effect of the proposed change on the schedule for transportation 21590
of those students to their nonpublic schools. The governing 21591
authority of a chartered nonpublic school shall consult with 21592
each school district board of education that transports students 21593
to the chartered nonpublic school under section 3327.01 of the 21594
Revised Code prior to making any change in the hours or days in 21595
which the nonpublic school is open for instruction. 21596

(G) The ~~state board~~ department of education and workforce 21597
shall not adopt or enforce any rule or standard that imposes on 21598
chartered nonpublic schools the procedural requirements imposed 21599
on school districts by divisions (B), (C), (D), and (E) of this 21600
section. 21601

Sec. 3313.483. (A) A board of education, upon the adoption 21602
of a resolution stating that it may be financially unable to 21603
open on the day or to remain open for instruction on all days 21604
set forth in its adopted school calendar and pay all obligated 21605
expenses, or the ~~superintendent of public instruction~~ director 21606
of education and workforce upon the issuance of written 21607
notification under division (B) of section 3313.489 of the 21608
Revised Code, shall request the auditor of state to determine 21609
whether such situation exists. The auditor shall deliver a copy 21610
of each request from a board of education to the ~~superintendent~~ 21611
~~of public instruction~~ director. In the case of a school district 21612
not under a fiscal emergency pursuant to Chapter 3316. of the 21613
Revised Code the auditor shall not issue a finding under this 21614
section until written notification is received from the 21615
~~superintendent~~ director pursuant to section 3313.487 of the 21616
Revised Code. 21617

(B) If the auditor of state finds that the board of 21618

education has attempted to avail itself to the fullest extent 21619
authorized by law of all lawful revenue sources available to it 21620
except those authorized by section 5705.21 of the Revised Code, 21621
the auditor shall certify that finding to the ~~superintendent of~~ 21622
~~public instruction and the state board~~ department of education 21623
and workforce and shall certify the operating deficit the 21624
district will have at the end of the fiscal year if it commences 21625
or continues operating its instructional program in accordance 21626
with its adopted school calendar and pays all obligated 21627
expenses. 21628

(C) No board of education may delay the opening of its 21629
schools or close its schools for financial reasons. Upon the 21630
request of the ~~superintendent of public instruction~~ director of 21631
education and workforce, the attorney general shall seek 21632
injunctive relief and any other relief required to enforce this 21633
prohibition in the court of common pleas of Franklin county. The 21634
court of common pleas of Franklin county has exclusive original 21635
jurisdiction over all such actions. 21636

(D) Upon the receipt of any certification of an operating 21637
deficit from the auditor of state, a board of education shall 21638
make application to a commercial bank, underwriter, or other 21639
prospective lender or purchaser of its obligations for a loan in 21640
an amount sufficient to enable the district to open or remain 21641
open for instruction on all days set forth in its adopted school 21642
calendar but not to exceed the amount of the deficit certified. 21643

(E) (1) Any board of education that has applied for and 21644
been denied a loan from a commercial bank, underwriter, or other 21645
prospective lender or purchaser of its obligations pursuant to 21646
division (D) of this section shall submit to the ~~superintendent~~ 21647
~~of public instruction~~ director of education and workforce a plan 21648

for implementing reductions in the school district's budget; 21649
apply for a loan from a commercial bank, underwriter, or other 21650
prospective lender or purchaser of its obligations in an amount 21651
not to exceed its certified deficit; and provide the 21652
~~superintendent~~director such information as the ~~superintendent~~ 21653
director requires concerning its application for such a loan. 21654
The board of education of a school district declared to be under 21655
a fiscal watch pursuant to division (A) of section 3316.03 of 21656
the Revised Code may, upon approval of the 21657
~~superintendent~~director, utilize the financial plan required by 21658
section 3316.04 of the Revised Code, or applicable parts 21659
thereof, as the plan required under this division. The board of 21660
education of a school district declared to be under a fiscal 21661
emergency pursuant to division (B) of section 3316.03 of the 21662
Revised Code may utilize the financial recovery plan for the 21663
district, or applicable parts thereof, as the plan required 21664
under this division. Except for the plan of a school district 21665
under a fiscal emergency, the ~~superintendent~~director shall 21666
evaluate, make recommendations concerning, and approve or 21667
disapprove each plan. When a plan is submitted, the 21668
~~superintendent~~director shall immediately notify the members of 21669
the general assembly whose legislative districts include any or 21670
all of the territory of the school district submitting the plan. 21671

(2) The ~~superintendent~~director shall submit to the 21672
controlling board a copy of each plan the ~~superintendent~~ 21673
director approves, or each plan submitted by a district under a 21674
fiscal emergency pursuant to division (B) of section 3316.03 of 21675
the Revised Code, and the general terms of each proposed loan, 21676
and shall make recommendations regarding the plan and whether a 21677
proposed loan to the board of education should be approved for 21678
payment as provided in division (E) (3) of this section. The 21679

controlling board shall approve or disapprove the plan and the 21680
proposed loan presented to it by the ~~superintendent~~director. In 21681
the case of a district not under a fiscal emergency pursuant to 21682
division (B) of section 3316.03 of the Revised Code, the 21683
controlling board may require a board of education to implement 21684
the ~~superintendent's~~director's recommendations for expenditure 21685
reductions or impose other requirements. Loan repayments shall 21686
be in accordance with a schedule approved by the 21687
~~superintendent~~director, except that the principal amount of the 21688
loan shall be payable in monthly, semiannual, or annual 21689
installments of principal and interest that are substantially 21690
equal principal and interest installments. Except as otherwise 21691
provided in division (E) (2) of this section, repayment shall be 21692
made no later than the fifteenth day of June of the second 21693
fiscal year following the approval of the loan. A school 21694
district with a certified deficit in excess of either twenty- 21695
five million dollars or fifteen per cent of the general fund 21696
expenditures of the district during the fiscal year shall repay 21697
the loan no later than the fifteenth day of June of the tenth 21698
fiscal year following the approval of the loan. In deciding 21699
whether to approve or disapprove a proposed loan, the 21700
controlling board shall consider the deficit certified by the 21701
auditor of state pursuant to this section. A board of education 21702
that has an outstanding loan approved pursuant to this section 21703
with a repayment date of more than two fiscal years after the 21704
date of approval of such loan may not apply for another loan 21705
with such a repayment date until the outstanding loan has been 21706
repaid. 21707

(3) If a board of education has submitted and received 21708
controlling board approval of a plan and proposed loan in 21709
accordance with this section, the ~~superintendent of public-~~ 21710

~~instruction~~ director of education and workforce shall report to 21711
the controlling board the actual amounts loaned to the board of 21712
education. Such board of education shall request the 21713
~~superintendent~~ director to pay any funds the board of education 21714
would otherwise receive pursuant to Chapter 3306. of the Revised 21715
Code first directly to the holders of the board of education's 21716
notes, or an agent thereof, such amounts as are specified under 21717
the terms of the loan. Such payments shall be made only from and 21718
to the extent of money appropriated by the general assembly for 21719
purposes of such sections. No note or other obligation of the 21720
board of education under the loan constitutes an obligation nor 21721
a debt or a pledge of the faith, credit, or taxing power of the 21722
state, and the holder or owner of such note or obligation has no 21723
right to have taxes levied by the general assembly for the 21724
payment of such note or obligation, and such note or obligation 21725
shall contain a statement to that effect. 21726

(4) Pursuant to the terms of such a loan, a board of 21727
education may issue its notes in anticipation of the collection 21728
of its voted levies for current expenses or its receipt of such 21729
state funds or both. Such notes shall be issued in accordance 21730
with division (E) of section 133.10 of the Revised Code and 21731
constitute Chapter 133. securities to the extent such division 21732
and the otherwise applicable provisions of Chapter 133. of the 21733
Revised Code are not inconsistent with this section, provided 21734
that in any event sections 133.24 and 5705.21 and divisions (A), 21735
(B), (C), and (E) (2) of section 133.10 of the Revised Code do 21736
not apply to such notes. 21737

(5) Notwithstanding section 133.36 or 3313.17, any other 21738
section of the Revised Code, or any other provision of law, a 21739
board of education that has received a loan under this section 21740
may not declare bankruptcy, so long as any portion of such loan 21741

remains unpaid. 21742

(F) Under this section and section 3313.4810, "board of 21743
education" or "district board" includes the financial planning 21744
and supervision commission of a school district under a fiscal 21745
emergency pursuant to Chapter 3316. of the Revised Code where 21746
such commission chooses to exercise the powers and duties 21747
otherwise required of the district board of education under this 21748
section and section 3313.4810 of the Revised Code. 21749

Sec. 3313.484. No loan shall be approved under sections 21750
3313.483 to 3313.4810 of the Revised Code after March 1, 1998. 21751

By the last day of June each year, the department of 21752
education and workforce shall calculate and pay a subsidy to 21753
every school district that during the current fiscal year paid 21754
and was obligated to pay interest on a loan under sections 21755
3313.483 to 3313.4810 of the Revised Code in excess of two per 21756
cent simple interest. The amount of the subsidy shall equal the 21757
difference between the amount of interest the district paid and 21758
was obligated to pay during the year and the interest that the 21759
district would have been obligated to pay if the interest rate 21760
on the loan had been two per cent per year. 21761

Sec. 3313.487. (A) Upon receipt of a copy of a request for 21762
a determination under section 3313.483 of the Revised Code or 21763
upon the issuance of written notification under division (B) of 21764
section 3313.489 of the Revised Code, the ~~superintendent of~~ 21765
~~public instruction~~ department of education and workforce shall 21766
analyze the district's financial condition and ascertain what 21767
elements of the district's educational program exceed or fail to 21768
meet the minimum standards of the ~~state board~~ director of 21769
education and workforce and requirements set forth in the 21770
Revised Code, and what, if any, additional revenues or revenue 21771

sources may be available to the district that are not included 21772
in its official certificate or amended certificate of estimated 21773
resources. The ~~superintendent~~ director shall make a written 21774
report of the ~~superintendent's~~ director's findings to the school 21775
district's board of education, ~~and~~ the auditor of state, ~~and the~~ 21776
~~state board of education~~. The report shall include any 21777
recommendations, including reductions in programs which exceed 21778
minimum standards of the ~~state board of education~~ director or 21779
requirements set forth in the Revised Code, that, if followed, 21780
would enable the district to reduce its expenses while operating 21781
an educational program that is responsive to the educational 21782
needs of the school district in accordance with its adopted 21783
school calendar. The ~~superintendent~~ director may determine that 21784
a responsive educational program requires the inclusion of 21785
elements exceeding the minimum standards of the ~~state board of~~ 21786
~~education~~ director or requirements of the Revised Code. If, upon 21787
completion of the analysis and findings as provided in this 21788
division, the ~~superintendent~~ director determines that the 21789
district will be financially unable to operate its educational 21790
program in accordance with its adopted school calendar and pay 21791
all obligated expenses, the ~~superintendent~~ director shall notify 21792
the auditor of state in writing. Upon receipt of such 21793
notification, the auditor of state shall issue findings pursuant 21794
to section 3313.483 of the Revised Code. 21795

(B) Upon the receipt of the ~~superintendent of public~~ 21796
~~instruction's~~ director of education and workforce's report under 21797
division (A) of this section or a certification from the auditor 21798
of state under section 3313.483 of the Revised Code, the ~~state~~ 21799
~~board of education~~ director may, at any time during the next 21800
ninety days, issue an order making the school district subject 21801
to section 3313.488 of the Revised Code if it finds the school 21802

district is not able to operate an educational program from 21803
existing revenue sources during the current and the ensuing 21804
school year. Such order shall take immediate effect, and such 21805
section shall apply to the school district. ~~Prior to the~~ 21806
~~issuance of any order under this division, the state board of~~ 21807
~~education may request from the superintendent of public~~ 21808
~~instruction a recommendation regarding the matter of the~~ 21809
~~issuance of an order making a school district subject to section~~ 21810
~~3313.488 of the Revised Code.~~ A board of education may appeal 21811
the order on questions of fact to the court of common pleas of 21812
Franklin county. 21813

(C) Notwithstanding division (B) of this section, the 21814
~~state board of education~~ director shall issue an order making a 21815
school district subject to section 3313.488 of the Revised Code 21816
if the district fails to enter into a loan agreement with a 21817
commercial lending institution within forty-five days of the 21818
deficit certification pursuant to section 3313.483 of the 21819
Revised Code. If the ~~state board~~ director issues an order under 21820
this division, the ~~superintendent of public instruction~~ director 21821
shall apply for a loan from a commercial lending institution 21822
pursuant to section 3313.483 of the Revised Code on behalf of 21823
the district. The ~~superintendent~~ director shall have full 21824
authority to act on behalf of the board of education of a school 21825
district with respect to the making of loan agreements, and any 21826
loan agreement made by the ~~superintendent~~ director shall be 21827
fully binding on the school district. 21828

(D) This section does not apply to a school district 21829
declared to be under a fiscal emergency pursuant to division (B) 21830
of section 3316.03 of the Revised Code. 21831

Sec. 3313.488. (A) Within fifteen days after the date the 21832

~~state board~~ director of education and workforce issues an order 21833
under section 3313.487 of the Revised Code making a school 21834
district subject to this section, the district's board of 21835
education shall prepare a fiscal statement of expenses and 21836
expenditures for the remainder of the current fiscal year. The 21837
fiscal statement shall be submitted to the ~~superintendent of~~ 21838
~~public instruction~~ department of education and workforce and 21839
shall set forth all revenues to be received by the district 21840
during the remainder of the fiscal year and their sources, the 21841
expenses to be incurred by the district during the remainder of 21842
the fiscal year, the outstanding and unpaid expenses at the time 21843
the fiscal statement is prepared and the date or dates by which 21844
such expenses must be paid, and such other information as the 21845
~~superintendent~~ director requires to enable the ~~superintendent~~ 21846
department of education and workforce to ensure that during the 21847
remainder of the fiscal year, the district will not incur any 21848
expenses that will further impair its ability to operate an 21849
instructional program that meets or exceeds the minimum 21850
standards of the ~~state board of education~~ director and 21851
requirements of the Revised Code during the current and ensuing 21852
fiscal years with the revenue available to it from existing 21853
revenue sources. The fiscal statement shall be presented in such 21854
detail and form as the ~~superintendent~~ department prescribes. 21855
Beginning the tenth day after the fiscal statement is submitted 21856
and for the remainder of the fiscal year, the board shall not 21857
make any expenditure of money, make any employment, purchase, or 21858
rental contract, give any order involving the expenditure of 21859
money, or increase any wage or salary schedule unless the 21860
~~superintendent of public instruction~~ director has approved the 21861
fiscal statement in writing and the expenditure, contract, 21862
order, or schedule has been approved in writing by the 21863
~~superintendent~~ director as being in conformity with the fiscal 21864

statement. 21865

Any contract or expenditure made, order given, or schedule 21866
adopted or put into effect without the written approval of the 21867
~~superintendent of public instruction director~~ is void, and no 21868
warrant shall be issued in payment of any amount due thereon. 21869

(B) A board of education subject to division (A) of this 21870
section shall prepare a fiscal statement of expenses and 21871
expenditures for the ensuing fiscal year. The fiscal statement 21872
shall be submitted to the ~~superintendent of public instruction~~ 21873
~~director~~ and shall set forth all revenues to be received by the 21874
district during such year and their source, the expenses to be 21875
incurred by the district during such year, the outstanding and 21876
unpaid expenses on the first day of such fiscal year, the date 21877
or dates by which such expenses must be paid, and such other 21878
information as the ~~superintendent department~~ requires to enable 21879
the ~~superintendent department~~ to ensure that during such year, 21880
the district will not incur any expenses that will further 21881
impair its ability to operate an instructional program that 21882
meets or exceeds the minimum standards of the ~~state board of~~ 21883
~~education director~~ and requirements of the Revised Code during 21884
such year with the revenue available to it from existing revenue 21885
sources. The fiscal statement shall be presented at the time and 21886
in such detail and form as the ~~superintendent department~~ 21887
prescribes. During the fiscal year following the year in which a 21888
board of education first becomes subject to division (A) of this 21889
section it shall not make any expenditure of money, make any 21890
employment, purchase, or rental contract, give any order 21891
involving the expenditure of money, or increase any wage or 21892
salary schedule unless the ~~superintendent of public instruction~~ 21893
~~director~~ has approved the fiscal statement submitted under this 21894
division in writing and has approved the expenditure, contract, 21895

order, or schedule in writing as being in conformity with the 21896
fiscal statement. 21897

Any contract or expenditure made, order given, or schedule 21898
adopted or put into effect without the written approval of the 21899
~~superintendent of public instruction director~~ is void, and no 21900
warrant shall be issued in payment of any amount due thereon. 21901

(C) The ~~state board of education department~~ shall examine 21902
any fiscal statement presented to and approved by ~~the~~ 21903
~~superintendent of public instruction~~ it under division (B) of 21904
this section and shall determine whether the data set forth in 21905
the fiscal statement are factual and based upon assumptions that 21906
in its judgment are reasonable expectations consistent with 21907
acceptable governmental budget and accounting practices. If the 21908
~~state board department~~ so determines and finds that the revenues 21909
and expenditures in the fiscal statement are in balance for the 21910
fiscal year and the fiscal statement will enable the district to 21911
operate during such year without interrupting its school 21912
calendar, it shall certify its determination and finding to the 21913
district at least thirty days prior to the beginning of the 21914
fiscal year, and the district shall thereupon cease to be 21915
subject to this section. If the ~~state board department~~ does not 21916
make such a determination and finding, the board of education 21917
and school district are subject to this division and division 21918
(B) of this section in the ensuing fiscal year and each fiscal 21919
year thereafter until the ~~state board department~~ makes a 21920
determination, finding, and certification under this division. 21921

(D) Any officer, employee, or other person who knowingly 21922
expends or authorizes the expenditure of any public funds or 21923
knowingly authorizes or executes any contract, order, or 21924
schedule contrary to division (A) or (B) of this section or who 21925

knowingly expends or authorizes the expenditure of any public 21926
funds on any such void contract, order, or schedule is jointly 21927
and severally liable in person and upon any official bond that 21928
the officer, employee, or other person has given to such school 21929
district to the extent of any payments on the void claim, not to 21930
exceed twenty thousand dollars. The attorney general at the 21931
written request of the ~~superintendent of public instruction~~ 21932
department shall enforce this liability by civil action brought 21933
in any court of appropriate jurisdiction in the name of and on 21934
behalf of the school district. 21935

(E) This section does not apply to a school district 21936
declared to be under a fiscal emergency pursuant to division (B) 21937
of section 3316.03 of the Revised Code. 21938

Sec. 3313.489. (A) The ~~superintendent of public~~ 21939
~~instruction~~ director of education and workforce shall examine 21940
each five-year projection of revenues and expenditures submitted 21941
under section 5705.391 of the Revised Code and shall determine 21942
whether the information contained therein, together with any 21943
other relevant information, indicates that the district may be 21944
financially unable to operate its instructional program on all 21945
days set forth in its adopted school calendars and pay all 21946
obligated expenses during the current fiscal year. If a board of 21947
education has not adopted a school calendar for the school year 21948
beginning on the first day of July of the current fiscal year at 21949
the time an examination is required under this division, the 21950
~~superintendent~~ director shall examine the five-year projection 21951
and determine whether the district may be financially unable to 21952
pay all obligated expenses and operate its instructional program 21953
for the number of days on which instruction was held in the 21954
preceding fiscal year. 21955

(B) If the ~~superintendent of public instruction~~ director of education and workforce determines pursuant to division (A) of this section that a school district may be financially unable to operate its instructional program on all days required by such division and pay all obligated expenses during the current fiscal year, the ~~superintendent~~ director shall provide written notification of such determination to the president of the district's board of education and the auditor of state.

(C) This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.

Sec. 3313.4810. Any school district receiving a loan under section 3313.483 of the Revised Code in excess of seven per cent of the general fund expenditures of the district during the fiscal year in which the loan is received and that has received a loan under that section within the last five years is subject to section 3313.488 of the Revised Code for the duration of the fiscal year in which the district receives the loan and during the ensuing two fiscal years. The controlling board may not relieve a school district to which this section applies from any requirements imposed under section 3313.483 of the Revised Code to implement recommendations of the ~~superintendent of public instruction~~ director of education and workforce for expenditure reduction and may not modify any other requirements imposed under such section upon such a district as a condition for receiving the loan unless expressly authorized to do so by law. The ~~superintendent of public instruction~~ director shall, among any recommendations the ~~superintendent~~ director makes for expenditure reduction under section 3313.483 of the Revised Code affecting the number of employees of a school district to which this section applies, provide wherever possible for the

retention of teachers who are actually involved in the daily 21987
teaching of students in the classroom. 21988

Sec. 3313.531. (A) As used in this section, "adult high 21989
school continuation programs" means an organized instructional 21990
program for persons sixteen years of age and older, except as 21991
provided in division (C) of this section, who are not otherwise 21992
enrolled in a high school for which the ~~state board~~ director of 21993
education and workforce sets standards pursuant to section 21994
3301.07 of the Revised Code. Such programs are limited to 21995
courses for which credit may be granted toward the issuance of a 21996
high school diploma. 21997

(B) The board of education of any school district may 21998
establish and operate an adult high school continuation program. 21999
Two or more boards of education may jointly establish and 22000
operate such a program. The resolution establishing an adult 22001
high school continuation program may specify the contribution 22002
and expenditure of funds, the use of buildings, equipment, and 22003
other school facilities, and such other matters as the board 22004
wishes to include. In the case of a jointly operated program, 22005
the resolutions establishing such program shall also designate 22006
one of the participating boards to be responsible for receiving 22007
and disbursing funds, and administering the program for the 22008
benefit of all participating boards of education. 22009

(C) A board of education that operates an adult high 22010
school continuation program alone or jointly with another board 22011
may, by resolution, authorize the district's superintendent to 22012
assign to such program in accordance with this section, any 22013
student who has not received a high school diploma, who is at 22014
least eighteen years old, and who is being readmitted to school 22015
following expulsion or commitment to the department of youth 22016

services. Before making any such assignment, the superintendent 22017
or ~~his~~ the superintendent's designee shall meet with the student 22018
to determine whether ~~he~~ the student should be so assigned, and 22019
shall prepare a report on ~~his~~ the superintendent's or designee's 22020
findings and determination. If based on ~~his~~ the meeting or ~~his~~ the 22021
designee's report the superintendent finds that the pupil 22022
should be placed in a program under this section, the 22023
superintendent shall make the assignment. Once assigned to the 22024
program, the student shall remain in it until ~~he~~ the student is 22025
reassigned by the superintendent or leaves school. At least once 22026
in each academic term, the superintendent or ~~his~~ the 22027
superintendent's designee shall review the progress of each 22028
student assigned to the program under this division and the 22029
superintendent shall, based on the review, make a determination 22030
of whether the student should remain in the program or be 22031
reassigned. Tuition shall not be charged for the attendance of 22032
any student assigned to a program pursuant to this division who 22033
is entitled under section 3313.64 of the Revised Code to attend 22034
the schools of the district without payment of tuition. 22035

(D) The ~~state board~~ department of education and workforce 22036
shall adopt rules and standards governing the operations of 22037
adult high school continuation programs. Any school district or 22038
combination of districts operating such a program in accordance 22039
with the rules and standards of the ~~state board of education~~ 22040
department ~~may receive from the state board of education,~~ with 22041
the approval of the ~~superintendent of public instruction,~~ 22042
department, receive reimbursement from the department in an 22043
amount not to exceed ten dollars per instructional hour. 22044

Sec. 3313.532. (A) Any person twenty-two or more years of 22045
age and enrolled in an adult high school continuation program 22046
established pursuant to section 3313.531 of the Revised Code may 22047

request the board of education operating the program to conduct 22048
an evaluation in accordance with division (C) of this section. 22049

(B) Any applicant to a board of education for a diploma of 22050
adult education under division (B) of section 3313.611 of the 22051
Revised Code may request the board to conduct an evaluation in 22052
accordance with division (C) of this section. 22053

(C) Upon the request of any person pursuant to division 22054
(A) or (B) of this section, the board of education to which the 22055
request is made shall evaluate the person to determine whether 22056
the person is disabled, in accordance with rules adopted by the 22057
~~state board~~ department of education and workforce. If the 22058
evaluation indicates that the person is disabled, the board 22059
shall determine whether to excuse the person from taking any of 22060
the assessments required by section 3313.618 of the Revised Code 22061
as a requirement for receiving a diploma under section 3313.611 22062
of the Revised Code. The board may require the person to take an 22063
alternate assessment in place of any test from which the person 22064
is so excused. 22065

Sec. 3313.533. (A) The board of education of a city, 22066
exempted village, or local school district may adopt a 22067
resolution to establish and maintain an alternative school in 22068
accordance with this section. The resolution shall specify, but 22069
not necessarily be limited to, all of the following: 22070

(1) The purpose of the school, which purpose shall be to 22071
serve students who are on suspension, who are having truancy 22072
problems, who are experiencing academic failure, who have a 22073
history of class disruption, who are exhibiting other academic 22074
or behavioral problems specified in the resolution, or who have 22075
been discharged or released from the custody of the department 22076
of youth services under section 5139.51 of the Revised Code; 22077

(2) The grades served by the school, which may include any 22078
of grades kindergarten through twelve; 22079

(3) A requirement that the school be operated in 22080
accordance with this section. The board of education adopting 22081
the resolution under division (A) of this section shall be the 22082
governing board of the alternative school. The board shall 22083
develop and implement a plan for the school in accordance with 22084
the resolution establishing the school and in accordance with 22085
this section. Each plan shall include, but not necessarily be 22086
limited to, all of the following: 22087

(a) Specification of the reasons for which students will 22088
be accepted for assignment to the school and any criteria for 22089
admission that are to be used by the board to approve or 22090
disapprove the assignment of students to the school; 22091

(b) Specification of the criteria and procedures that will 22092
be used for returning students who have been assigned to the 22093
school back to the regular education program of the district; 22094

(c) An evaluation plan for assessing the effectiveness of 22095
the school and its educational program and reporting the results 22096
of the evaluation to the public. 22097

(B) Notwithstanding any provision of Title XXXIII of the 22098
Revised Code to the contrary, the alternative school plan may 22099
include any of the following: 22100

(1) A requirement that on each school day students must 22101
attend school or participate in other programs specified in the 22102
plan or by the chief administrative officer of the school for a 22103
period equal to the minimum school day set by the board of 22104
education under section 3313.48 of the Revised Code plus any 22105
additional time required in the plan or by the chief 22106

administrative officer;	22107
(2) Restrictions on student participation in	22108
extracurricular or interscholastic activities;	22109
(3) A requirement that students wear uniforms prescribed	22110
by the district board of education.	22111
(C) In accordance with the alternative school plan, the	22112
district board of education may employ teachers and nonteaching	22113
employees necessary to carry out its duties and fulfill its	22114
responsibilities or may contract with a nonprofit or for profit	22115
entity to operate the alternative school, including the	22116
provision of personnel, supplies, equipment, or facilities.	22117
(D) An alternative school may be established in all or	22118
part of a school building.	22119
(E) If a district board of education elects under this	22120
section, or is required by section 3313.534 of the Revised Code,	22121
to establish an alternative school, the district board may join	22122
with the board of education of one or more other districts to	22123
form a joint alternative school by forming a cooperative	22124
education school district under section 3311.52 or 3311.521 of	22125
the Revised Code, or a joint educational program under section	22126
3313.842 of the Revised Code. The authority to employ personnel	22127
or to contract with a nonprofit or for profit entity under	22128
division (C) of this section applies to any alternative school	22129
program established under this division.	22130
(F) Any individual employed as a teacher at an alternative	22131
school operated by a nonprofit or for profit entity under this	22132
section shall be licensed and shall be subject to background	22133
checks, as described in section 3319.39 of the Revised Code, in	22134
the same manner as an individual employed by a school district.	22135

(G) Division (G) of this section applies only to any alternative school that is operated by a nonprofit or for profit entity under contract with the school district.

(1) In addition to the specifications authorized under division (B) of this section, any plan adopted under that division for an alternative school to which division (G) of this section also applies shall include the following:

(a) A description of the educational program provided at the alternative school, which shall include:

(i) Provisions for the school to be configured in clusters or small learning communities;

(ii) Provisions for the incorporation of education technology into the curriculum;

(iii) Provisions for accelerated learning programs in reading and mathematics.

(b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code.

(c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;

(d) A plan for a student's transition from the alternative school back to a school operated by the school district;

(e) A requirement that the alternative school maintain

financial records in a manner that is compatible with the form 22164
prescribed for school districts by the auditor of state to 22165
enable the district to comply with any rules adopted by the 22166
auditor of state. 22167

(2) Notwithstanding division (A)(2) of this section, any 22168
alternative school to which division (G) of this section applies 22169
shall include only grades six through twelve. 22170

(3) Notwithstanding anything in division (A)(3)(a) of this 22171
section to the contrary, the characteristics of students who may 22172
be assigned to an alternative school to which division (G) of 22173
this section applies shall include only disruptive and low- 22174
performing students. 22175

(H) When any district board of education determines to 22176
contract with a nonprofit or for profit entity to operate an 22177
alternative school under this section, the board shall use the 22178
procedure set forth in this division. 22179

(1) The board shall publish notice of a request for 22180
proposals in a newspaper of general circulation in the district 22181
once each week for a period of two consecutive weeks, or as 22182
provided in section 7.16 of the Revised Code, prior to the date 22183
specified by the board for receiving proposals. Notices of 22184
requests for proposals shall contain a general description of 22185
the subject of the proposed contract and the location where the 22186
request for proposals may be obtained. The request for proposals 22187
shall include all of the following information: 22188

(a) Instructions and information to respondents concerning 22189
the submission of proposals, including the name and address of 22190
the office where proposals are to be submitted; 22191

(b) Instructions regarding communications, including at 22192

least the names, titles, and telephone numbers of persons to whom questions concerning a proposal may be directed; 22193
22194

(c) A description of the performance criteria that will be used to evaluate whether a respondent to which a contract is awarded is meeting the district's educational standards or the method by which such performance criteria will be determined; 22195
22196
22197
22198

(d) Factors and criteria to be considered in evaluating proposals, the relative importance of each factor or criterion, and a description of the evaluation procedures to be followed; 22199
22200
22201

(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond; 22202
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22204

(f) Documents that may be incorporated by reference into the request for proposals, provided that the request for proposals specifies where such documents may be obtained and that such documents are readily available to all interested parties. 22205
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(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following: 22210
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22212
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(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school; 22216
22217
22218
22219
22220

(b) Demonstrated performance in the areas of cost 22221

containment, the provision of educational services of a high 22222
quality, and any other areas determined by the board; 22223

(c) Whether the respondent has the resources to undertake 22224
the operation of the alternative school and to provide qualified 22225
personnel to staff the school; 22226

(d) Financial responsibility. 22227

(3) The board shall select for further review at least 22228
three proposals from respondents the board considers qualified 22229
to operate the alternative school in the best interests of the 22230
students and the district. If fewer than three proposals are 22231
submitted, the board shall select each proposal submitted. The 22232
board may cancel a request for proposals or reject all proposals 22233
at any time prior to the execution of a contract. 22234

The board may hold discussions with any of the three 22235
selected respondents to clarify or revise the provisions of a 22236
proposal or the proposed contract to ensure complete 22237
understanding between the board and the respondent of the terms 22238
under which a contract will be entered. Respondents shall be 22239
accorded fair and equal treatment with respect to any 22240
opportunity for discussion regarding clarifications or 22241
revisions. The board may terminate or discontinue any further 22242
discussion with a respondent upon written notice. 22243

(4) Upon further review of the three proposals selected by 22244
the board, the board shall award a contract to the respondent 22245
the board considers to have the most merit, taking into 22246
consideration the scope, complexity, and nature of the services 22247
to be performed by the respondent under the contract. 22248

(5) Except as provided in division (H) (6) of this section, 22249
the request for proposals, submitted proposals, and related 22250

documents shall become public records under section 149.43 of 22251
the Revised Code after the award of the contract. 22252

(6) Any respondent may request in writing that the board 22253
not disclose confidential or proprietary information or trade 22254
secrets contained in the proposal submitted by the respondent to 22255
the board. Any such request shall be accompanied by an offer of 22256
indemnification from the respondent to the board. The board 22257
shall determine whether to agree to the request and shall inform 22258
the respondent in writing of its decision. If the board agrees 22259
to nondisclosure of specified information in a proposal, such 22260
information shall not become a public record under section 22261
149.43 of the Revised Code. If the respondent withdraws its 22262
proposal at any time prior to the execution of a contract, the 22263
proposal shall not be a public record under section 149.43 of 22264
the Revised Code. 22265

(I) Upon a recommendation from the department and in 22266
accordance with section 3301.16 of the Revised Code, the ~~state-~~ 22267
~~board-director~~ of education and workforce may revoke the charter 22268
of any alternative school operated by a school district that 22269
violates this section. 22270

Sec. 3313.534. (A) The board of education of each city, 22271
exempted village, and local school district shall adopt a policy 22272
of zero tolerance for violent, disruptive, or inappropriate 22273
behavior and establish strategies to address such behavior that 22274
range from prevention to intervention. A policy adopted pursuant 22275
to this section shall comply with the requirements of sections 22276
3313.668 and 3319.46 of the Revised Code. 22277

(B) Each of the big eight school districts, as defined in 22278
section 3314.02 of the Revised Code, shall establish under 22279
section 3313.533 of the Revised Code at least one alternative 22280

school to meet the educational needs of students with severe 22281
discipline problems, including, but not limited to, excessive 22282
disruption in the classroom and multiple suspensions or 22283
expulsions. Any other school district that attains after that 22284
date a significantly substandard graduation rate, as defined by 22285
the department of education and workforce, shall also establish 22286
such an alternative school under that section. 22287

Sec. 3313.5310. (A) (1) This section applies to both of the 22288
following: 22289

(a) Any school operated by a school district board of 22290
education; 22291

(b) Any chartered or nonchartered nonpublic school that is 22292
subject to the rules of an interscholastic conference or an 22293
organization that regulates interscholastic conferences or 22294
events. 22295

(2) As used in this section, "athletic activity" means all 22296
of the following: 22297

(a) Interscholastic athletics; 22298

(b) An athletic contest or competition that is sponsored 22299
by or associated with a school that is subject to this section, 22300
including cheerleading, club-sponsored sports activities, and 22301
sports activities sponsored by school-affiliated organizations; 22302

(c) Noncompetitive cheerleading that is sponsored by 22303
school-affiliated organizations; 22304

(d) Practices, interschool practices, and scrimmages for 22305
all of the activities described in divisions (A) (2) (a), (b), and 22306
(c) of this section. 22307

(B) Prior to the start of each athletic season, a school 22308

that is subject to this section may hold an informational 22309
meeting for students, parents, guardians, other persons having 22310
care or charge of a student, physicians, pediatric 22311
cardiologists, athletic trainers, and any other persons 22312
regarding the symptoms and warning signs of sudden cardiac 22313
arrest for all ages of students. 22314

(C) No student shall participate in an athletic activity 22315
until the student has submitted to a designated school official 22316
a form signed by the student and the parent, guardian, or other 22317
person having care or charge of the student stating that the 22318
student and the parent, guardian, or other person having care or 22319
charge of the student have received and reviewed a copy of the 22320
information jointly developed by the ~~departments~~ department of 22321
health and the department of education and workforce and posted 22322
on their respective ~~internet~~ web sites as required by section 22323
3707.59 of the Revised Code. A completed form shall be submitted 22324
each school year, as defined in section 3313.62 of the Revised 22325
Code, in which the student participates in an athletic activity. 22326

(D) No individual shall coach an athletic activity unless 22327
the individual has completed, on an annual basis, the sudden 22328
cardiac arrest training course approved by the department of 22329
health under division (C) of section 3707.59 of the Revised 22330
Code. 22331

(E) (1) A student shall not be allowed to participate in an 22332
athletic activity if either of the following is the case: 22333

(a) The student's biological parent, biological sibling, 22334
or biological child has previously experienced sudden cardiac 22335
arrest, and the student has not been evaluated and cleared for 22336
participation in an athletic activity by a physician authorized 22337
under Chapter 4731. of the Revised Code to practice medicine and 22338

surgery or osteopathic medicine and surgery. 22339

(b) The student is known to have exhibited syncope or 22340
fainting at any time prior to or following an athletic activity 22341
and has not been evaluated and cleared for return under division 22342
(E) (3) of this section after exhibiting syncope or fainting. 22343

(2) A student shall be removed by the student's coach from 22344
participation in an athletic activity if the student exhibits 22345
syncope or fainting. 22346

(3) If a student is not allowed to participate in or is 22347
removed from participation in an athletic activity under 22348
division (E) (1) or (2) of this section, the student shall not be 22349
allowed to return to participation until the student is 22350
evaluated and cleared for return in writing by any of the 22351
following: 22352

(a) A physician authorized under Chapter 4731. of the 22353
Revised Code to practice medicine and surgery or osteopathic 22354
medicine and surgery, including a physician who specializes in 22355
cardiology; 22356

(b) A certified nurse practitioner, clinical nurse 22357
specialist, or certified nurse-midwife who holds a certificate 22358
of authority issued under Chapter 4723. of the Revised Code; 22359

(c) A physician assistant licensed under Chapter 4730. of 22360
the Revised Code; 22361

(d) An athletic trainer licensed under Chapter 4755. of 22362
the Revised Code. 22363

The licensed health care providers specified in divisions 22364
(E) (3) (a) to (d) of this section may consult with any other 22365
licensed or certified health care providers in order to 22366

determine whether a student is ready to return to participation. 22367

(F) A school that is subject to this section shall 22368
establish penalties for a coach who violates the provisions of 22369
division (E) of this section. 22370

(G) Nothing in this section shall be construed to abridge 22371
or limit any rights provided under a collective bargaining 22372
agreement entered into under Chapter 4117. of the Revised Code 22373
prior to March 14, 2017. 22374

(H) (1) A school district, member of a school district 22375
board of education, or school district employee or volunteer, 22376
including a coach, is not liable in damages in a civil action 22377
for injury, death, or loss to person or property allegedly 22378
arising from providing services or performing duties under this 22379
section, unless the act or omission constitutes willful or 22380
wanton misconduct. 22381

This section does not eliminate, limit, or reduce any 22382
other immunity or defense that a school district, member of a 22383
school district board of education, or school district employee 22384
or volunteer, including a coach, may be entitled to under 22385
Chapter 2744. or any other provision of the Revised Code or 22386
under the common law of this state. 22387

(2) A chartered or nonchartered nonpublic school or any 22388
officer, director, employee, or volunteer of the school, 22389
including a coach, is not liable in damages in a civil action 22390
for injury, death, or loss to person or property allegedly 22391
arising from providing services or performing duties under this 22392
section, unless the act or omission constitutes willful or 22393
wanton misconduct. 22394

Sec. 3313.5312. (A) A student who is receiving home 22395

~~instruction-education~~ in accordance with ~~division (A) (2) of~~ 22396
section ~~3321.04-3321.042~~ of the Revised Code shall be afforded, 22397
by the superintendent of the school district in which the 22398
student is entitled to attend school under section 3313.64 or 22399
3313.65 of the Revised Code, the opportunity to participate in 22400
any extracurricular activity offered at the district school to 22401
which the student otherwise would be assigned during that school 22402
year. If more than one school operated by the school district 22403
serves the student's grade level, as determined by the district 22404
superintendent based on the student's age and academic 22405
performance, the student shall be afforded the opportunity to 22406
participate in extracurricular activities at the school to which 22407
the student would be assigned by the superintendent under 22408
section 3319.01 of the Revised Code. If a student who is 22409
afforded the opportunity to participate in extracurricular 22410
activities under division (A) of this section wishes to 22411
participate in an activity that is offered by the district, the 22412
student shall not participate in that activity at another school 22413
or school district to which the student is not entitled to 22414
attend. 22415

(B) The superintendent of any school district may afford 22416
any student who receives home ~~instruction-education~~ under 22417
~~division (A) (2) of~~ section ~~3321.04-3321.042~~ of the Revised Code, 22418
and who is not entitled to attend school in the district under 22419
section 3313.64 or 3313.65 of the Revised Code, the opportunity 22420
to participate in any extracurricular activity offered by a 22421
school of the district, if the district to which the student is 22422
entitled to attend does not offer that extracurricular activity. 22423

(C) In order to participate in an extracurricular activity 22424
under this section, the student shall be of the appropriate age 22425
and grade level, as determined by the superintendent of the 22426

district, for the school that offers the extracurricular 22427
activity, shall fulfill the same nonacademic and financial 22428
requirements as any other participant, and shall fulfill either 22429
of the following academic requirements: 22430

(1) If the student received home ~~instruction-education~~ in 22431
the preceding grading period, the student shall meet any 22432
academic requirements established by the ~~state board~~ department 22433
of education and workforce for the continuation of home 22434
instruction. 22435

(2) If the student did not receive home ~~instruction-~~ 22436
education in the preceding grading period, the student's 22437
academic performance during the preceding grading period shall 22438
have met any academic standards for eligibility to participate 22439
in the program established by the school district. 22440

(D) Eligibility for a student who leaves a school district 22441
mid-year for home ~~instruction-education~~ shall be determined 22442
based on an interim academic assessment issued by the district 22443
in which the student was enrolled based on the student's work 22444
while enrolled in that district. 22445

(E) Any student who commences home ~~instruction-education~~ 22446
after the beginning of a school year and who is, at the time 22447
home ~~instruction-education~~ commences, ineligible to participate 22448
in an extracurricular activity due to failure to meet academic 22449
standards or any other requirements of the district shall not 22450
participate in the extracurricular activity under this section 22451
until the student meets the applicable academic requirements 22452
~~established by the state board of education for continuation of~~ 22453
~~home instruction~~ as verified by the superintendent of the 22454
district. No student under this section shall be eligible to 22455
participate in the same semester in which the student was 22456

determined ineligible. 22457

(F) No school district shall impose additional rules on a 22458
student to participate under this section that do not apply to 22459
other students participating in the same extracurricular 22460
activity. No district shall impose fees for a student to 22461
participate under this section that exceed any fees charged to 22462
other students participating in the same extracurricular 22463
activity. 22464

(G) No school district, interscholastic conference, or 22465
organization that regulates interscholastic conferences or 22466
events shall require a student who is eligible to participate in 22467
interscholastic extracurricular activities under this section to 22468
meet eligibility requirements that conflict with this section. 22469

Sec. 3313.5314. No student who is enrolled in a public or 22470
nonpublic school shall be denied the opportunity to participate 22471
in interscholastic athletics offered by that school solely 22472
because the student is participating or has participated in the 22473
college credit plus program under Chapter 3365. of the Revised 22474
Code, so long as the student fulfills all other academic, 22475
nonacademic, and financial requirements that are not related to 22476
participation in the program. 22477

Additionally, no student who is enrolled in a community 22478
school, STEM school, or nonpublic school or who is receiving 22479
home ~~instruction~~education shall be denied the opportunity to 22480
participate in interscholastic athletics at the school in which 22481
the student is entitled to attend school under section 3313.64 22482
or 3313.65 of the Revised Code solely because of participation 22483
in the college credit plus program, so long as the student meets 22484
the applicable requirements under section 3313.537, 3313.5311, 22485
or 3313.5312 of the Revised Code and fulfills all other 22486

academic, nonacademic, and financial requirements that are not 22487
related to participation in the program. 22488

As used in this section, "community school" means a 22489
community school established under Chapter 3314. of the Revised 22490
Code, and "STEM school" means a science, technology, 22491
engineering, and mathematics school established under Chapter 22492
3326. of the Revised Code. 22493

Sec. 3313.56. The board of education of any city, exempted 22494
village, or local school district may establish and maintain 22495
part-time schools or classes for the further education of 22496
children who are employed on age and schooling certificates. 22497
Such schools and classes shall be conducted not fewer than four 22498
hours per week while in session, and for not fewer than one 22499
hundred forty-four hours per calendar year between the hours of 22500
seven in the morning and six in the afternoon, excluding 22501
Saturday afternoon and Sunday. Such schools and classes shall be 22502
conducted under such standards as the ~~state board~~ department of 22503
education and workforce prescribes. Boards of education may 22504
provide for the expense of such schools and classes the same as 22505
for the expense of ordinary elementary schools. 22506

Sec. 3313.57. Boards of education of city, exempted 22507
village, or local school districts may provide or approve, 22508
subject to the approval of parents, activities for children 22509
during the summer vacation period which will promote their 22510
health, their civic and vocational competence, and their 22511
industry, recreation, character, or thrift. The superintendents 22512
of such school districts shall cause records to be kept of such 22513
activities assigned and completed. With the approval of the 22514
~~state board~~ department of education and workforce the successful 22515
completion of such vacation activities may be required for 22516

promotions and diplomas of graduation, but the completion by any 22517
child of such vacation activities shall not be prerequisite to 22518
the issuance of an age and schooling certificate for such child. 22519
Boards of education shall provide the service necessary to 22520
direct such activities and may pay any necessary expenses 22521
incident thereto, the same as the expense of an ordinary 22522
elementary school. 22523

Sec. 3313.60. Notwithstanding division (D) of section 22524
3311.52 of the Revised Code, divisions (A) to (E) of this 22525
section do not apply to any cooperative education school 22526
district established pursuant to divisions (A) to (C) of section 22527
3311.52 of the Revised Code. 22528

(A) The board of education of each city, exempted village, 22529
and local school district and the board of each cooperative 22530
education school district established, pursuant to section 22531
3311.521 of the Revised Code, shall prescribe a curriculum for 22532
all schools under its control. Except as provided in division 22533
(E) of this section, in any such curriculum there shall be 22534
included the study of the following subjects: 22535

(1) The language arts, including reading, writing, 22536
spelling, oral and written English, and literature; 22537

(2) Geography, the history of the United States and of 22538
Ohio, and national, state, and local government in the United 22539
States, including a balanced presentation of the relevant 22540
contributions to society of men and women of African, Mexican, 22541
Puerto Rican, and American Indian descent as well as other 22542
ethnic and racial groups in Ohio and the United States; 22543

(3) Mathematics; 22544

(4) Natural science, including instruction in the 22545

conservation of natural resources; 22546

(5) Health education, which shall include instruction in: 22547

(a) The nutritive value of foods, including natural and 22548
organically produced foods, the relation of nutrition to health, 22549
and the use and effects of food additives; 22550

(b) The harmful effects of and legal restrictions against 22551
the use of drugs of abuse, alcoholic beverages, and tobacco, 22552
including electronic smoking devices; 22553

(c) Venereal disease education, except that upon written 22554
request of the student's parent or guardian, a student shall be 22555
excused from taking instruction in venereal disease education; 22556

(d) In grades kindergarten through six, instruction in 22557
personal safety and assault prevention, except that upon written 22558
request of the student's parent or guardian, a student shall be 22559
excused from taking instruction in personal safety and assault 22560
prevention; 22561

(e) In grades seven through twelve, age-appropriate 22562
instruction in dating violence prevention education, which shall 22563
include instruction in recognizing dating violence warning signs 22564
and characteristics of healthy relationships. 22565

In order to assist school districts in developing a dating 22566
violence prevention education curriculum, the department of 22567
education and workforce shall provide on its web site links to 22568
free curricula addressing dating violence prevention. 22569

If the parent or legal guardian of a student less than 22570
eighteen years of age submits to the principal of the student's 22571
school a written request to examine the dating violence 22572
prevention instruction materials used at that school, the 22573

principal, within a reasonable period of time after the request 22574
is made, shall allow the parent or guardian to examine those 22575
materials at that school. 22576

(f) Prescription opioid abuse prevention, with an emphasis 22577
on the prescription drug epidemic and the connection between 22578
prescription opioid abuse and addiction to other drugs, such as 22579
heroin; 22580

(g) The process of making an anatomical gift under Chapter 22581
2108. of the Revised Code, with an emphasis on the life-saving 22582
and life-enhancing effects of organ and tissue donation; 22583

(h) Beginning with the first day of the next school year 22584
that begins at least two years after March 24, 2021, in grades 22585
six through twelve, at least one hour or one standard class 22586
period per school year of evidence-based suicide awareness and 22587
prevention and at least one hour or one standard class period 22588
per school year of safety training and violence prevention, 22589
except that upon written request of the student's parent or 22590
guardian, a student shall be excused from taking instruction in 22591
suicide awareness and prevention or safety training and violence 22592
prevention; 22593

(i) Beginning with the first day of the next school year 22594
that begins at least two years after March 24, 2021, in grades 22595
six through twelve, at least one hour or one standard class 22596
period per school year of evidence-based social inclusion 22597
instruction, except that upon written request of the student's 22598
parent or guardian, a student shall be excused from taking 22599
instruction in social inclusion. 22600

For the instruction required under divisions (A) (5) (h) and 22601
(i) of this section, the board shall use a training program 22602

approved by the department of education and workforce under 22603
section 3301.221 of the Revised Code. 22604

Schools may use student assemblies, digital learning, and 22605
homework to satisfy the instruction requirements under divisions 22606
(A) (5) (h) and (i) of this section. 22607

(6) Physical education; 22608

(7) The fine arts, including music; 22609

(8) First aid, including a training program in 22610
cardiopulmonary resuscitation, which shall comply with section 22611
3313.6021 of the Revised Code when offered in any of grades nine 22612
through twelve, safety, and fire prevention. However, upon 22613
written request of the student's parent or guardian, a student 22614
shall be excused from taking instruction in cardiopulmonary 22615
resuscitation. 22616

(B) Except as provided in division (E) of this section, 22617
every school or school district shall include in the 22618
requirements for promotion from the eighth grade to the ninth 22619
grade one year's course of study of American history. A board 22620
may waive this requirement for academically accelerated students 22621
who, in accordance with procedures adopted by the board, are 22622
able to demonstrate mastery of essential concepts and skills of 22623
the eighth grade American history course of study. 22624

(C) As specified in divisions (B) (6) and (C) (6) of section 22625
3313.603 of the Revised Code, except as provided in division (E) 22626
of this section, every high school shall include in the 22627
requirements for graduation from any curriculum one-half unit 22628
each of American history and government. 22629

(D) Except as provided in division (E) of this section, 22630
basic instruction or demonstrated mastery in geography, United 22631

States history, the government of the United States, the 22632
government of the state of Ohio, local government in Ohio, the 22633
Declaration of Independence, the United States Constitution, and 22634
the Constitution of the state of Ohio shall be required before 22635
pupils may participate in courses involving the study of social 22636
problems, economics, foreign affairs, United Nations, world 22637
government, socialism, and communism. 22638

(E) For each cooperative education school district 22639
established pursuant to section 3311.521 of the Revised Code and 22640
each city, exempted village, and local school district that has 22641
territory within such a cooperative district, the curriculum 22642
adopted pursuant to divisions (A) to (D) of this section shall 22643
only include the study of the subjects that apply to the grades 22644
operated by each such school district. The curricula for such 22645
schools, when combined, shall provide to each student of these 22646
districts all of the subjects required under divisions (A) to 22647
(D) of this section. 22648

(F) The board of education of any cooperative education 22649
school district established pursuant to divisions (A) to (C) of 22650
section 3311.52 of the Revised Code shall prescribe a curriculum 22651
for the subject areas and grade levels offered in any school 22652
under its control. 22653

(G) Upon the request of any parent or legal guardian of a 22654
student, the board of education of any school district shall 22655
permit the parent or guardian to promptly examine, with respect 22656
to the parent's or guardian's own child: 22657

(1) Any survey or questionnaire, prior to its 22658
administration to the child; 22659

(2) Any textbook, workbook, software, video, or other 22660

instructional materials being used by the district in connection	22661
with the instruction of the child;	22662
(3) Any completed and graded test taken or survey or	22663
questionnaire filled out by the child;	22664
(4) Copies of the statewide academic standards and each	22665
model curriculum developed pursuant to section 3301.079 of the	22666
Revised Code, which copies shall be available at all times	22667
during school hours in each district school building.	22668
Sec. 3313.603. (A) As used in this section:	22669
(1) "One unit" means a minimum of one hundred twenty hours	22670
of course instruction, except that for a laboratory course, "one	22671
unit" means a minimum of one hundred fifty hours of course	22672
instruction.	22673
(2) "One-half unit" means a minimum of sixty hours of	22674
course instruction, except that for physical education courses,	22675
"one-half unit" means a minimum of one hundred twenty hours of	22676
course instruction.	22677
(B) Beginning September 15, 2001, except as required in	22678
division (C) of this section and division (C) of section	22679
3313.614 of the Revised Code, the requirements for graduation	22680
from every high school shall include twenty units earned in	22681
grades nine through twelve and shall be distributed as follows:	22682
(1) English language arts, four units;	22683
(2) Health, one-half unit;	22684
(3) Mathematics, three units;	22685
(4) Physical education, one-half unit;	22686
(5) Science, two units until September 15, 2003, and three	22687

units thereafter, which at all times shall include both of the 22688
following: 22689

(a) Biological sciences, one unit; 22690

(b) Physical sciences, one unit. 22691

(6) History and government, one unit, which shall comply 22692
with division (M) of this section and shall include both of the 22693
following: 22694

(a) American history, one-half unit; 22695

(b) American government, one-half unit. 22696

(7) Social studies, two units. 22697

Beginning with students who enter ninth grade for the 22698
first time on or after July 1, 2017, the two units of 22699
instruction prescribed by division (B) (7) of this section shall 22700
include at least one-half unit of instruction in the study of 22701
world history and civilizations. 22702

(8) Elective units, seven units until September 15, 2003, 22703
and six units thereafter. 22704

Each student's electives shall include at least one unit, 22705
or two half units, chosen from among the areas of 22706
business/technology, fine arts, and/or foreign language. 22707

(C) Beginning with students who enter ninth grade for the 22708
first time on or after July 1, 2010, except as provided in 22709
divisions (D) to (F) of this section, the requirements for 22710
graduation from every public and chartered nonpublic high school 22711
shall include twenty units that are designed to prepare students 22712
for the workforce and college. The units shall be distributed as 22713
follows: 22714

(1) English language arts, four units;	22715
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	22716 22717 22718
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education <u>and workforce</u> as an alternative.	22719 22720 22721 22722 22723 22724 22725 22726 22727 22728
For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.	22729 22730 22731 22732 22733 22734 22735 22736 22737 22738
A student may fulfill one unit of mathematics under division (C)(3) of this section by completing one-half unit of financial literacy instruction to satisfy the requirement prescribed under division (C)(9) of this section and one-half unit of a mathematics course. The one-half unit course in mathematics shall not be in algebra II, or its equivalent, or a	22739 22740 22741 22742 22743 22744

course for which the ~~state board~~ department requires an end-of- 22745
course examination under section 3301.0712 of the Revised Code. 22746

Students who choose to take one unit of advanced computer 22747
science in lieu of algebra II, as described in division (C) (3) 22748
of this section, shall not be permitted to complete one-half 22749
unit of financial literacy instruction to satisfy the 22750
mathematics unit requirements of that division. Instead, those 22751
students shall be required to complete the one-half unit of 22752
financial literacy instruction under division (C) (8) of this 22753
section. 22754

(4) Physical education, one-half unit; 22755

(5) Science, three units with inquiry-based laboratory 22756
experience that engages students in asking valid scientific 22757
questions and gathering and analyzing information, which shall 22758
include the following, or their equivalent: 22759

(a) Physical sciences, one unit; 22760

(b) Life sciences, one unit; 22761

(c) Advanced study in one or more of the following 22762
sciences, one unit: 22763

(i) Chemistry, physics, or other physical science; 22764

(ii) Advanced biology or other life science; 22765

(iii) Astronomy, physical geology, or other earth or space 22766
science; 22767

(iv) Computer science. 22768

No student shall substitute a computer science course for 22769
a life sciences or biology course under division (C) (5) of this 22770
section. 22771

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following: 22772
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(a) American history, one-half unit; 22775

(b) American government, one-half unit. 22776

(7) Social studies, two units. 22777

Beginning with students who enter ninth grade for the first time on or after July 1, 2017, the two units of instruction prescribed by division (C) (7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations. 22778
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(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology which may include computer science, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section. 22783
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One-half unit of instruction under division (C) (8) of this section may be instruction in financial literacy to satisfy the requirement under division (C) (9) of this section. 22792
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(9) (a) Except as provided in division (C) (9) (b) of this section, for students who enter ninth grade for the first time on or after July 1, 2022, financial literacy, one-half unit. 22795
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Each student shall elect to complete the one-half unit of instruction in financial literacy either in lieu of one-half unit of instruction in mathematics under division (C) (3) of this 22798
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section or an elective under division (C) (8) of this section. 22801

(b) A student attending a nonpublic school accredited 22802
through the independent schools association of the central 22803
states or any other chartered nonpublic school shall not be 22804
required to complete the one-half unit of financial literacy 22805
instruction prescribed in division (C) (9) (a) of this section, 22806
unless that student is attending the school under a state 22807
scholarship program as defined in section 3301.0711 of the 22808
Revised Code. 22809

The study and instruction of financial literacy required 22810
under division (C) (9) of this section shall align with the 22811
academic content standards for financial literacy and 22812
entrepreneurship adopted under division (A) (2) of section 22813
3301.079 of the Revised Code. In developing the curriculum for 22814
the study and instruction of financial literacy, schools may use 22815
available public-private partnerships and resources and 22816
materials that exist in business, industry, and through the 22817
centers for economics education at institutions of higher 22818
education. 22819

Ohioans must be prepared to apply increased knowledge and 22820
skills in the workplace and to adapt their knowledge and skills 22821
quickly to meet the rapidly changing conditions of the twenty- 22822
first century. National studies indicate that all high school 22823
graduates need the same academic foundation, regardless of the 22824
opportunities they pursue after graduation. The goal of Ohio's 22825
system of elementary and secondary education is to prepare all 22826
students for and seamlessly connect all students to success in 22827
life beyond high school graduation, regardless of whether the 22828
next step is entering the workforce, beginning an 22829
apprenticeship, engaging in post-secondary training, serving in 22830

the military, or pursuing a college degree. 22831

The requirements for graduation prescribed in division (C) 22832
of this section are the standard expectation for all students 22833
entering ninth grade for the first time at a public or chartered 22834
nonpublic high school on or after July 1, 2010. A student may 22835
satisfy this expectation through a variety of methods, 22836
including, but not limited to, integrated, applied, career- 22837
technical, and traditional coursework. 22838

Stronger coordination between high schools and 22839
institutions of higher education is necessary to prepare 22840
students for more challenging academic endeavors and to lessen 22841
the need for academic remediation in college, thereby reducing 22842
the costs of higher education for Ohio's students, families, and 22843
the state. The ~~state board~~ department and the chancellor of 22844
higher education shall develop policies to ensure that only in 22845
rare instances will students who complete the requirements for 22846
graduation prescribed in division (C) of this section require 22847
academic remediation after high school. 22848

School districts, community schools, and chartered 22849
nonpublic schools shall integrate technology into learning 22850
experiences across the curriculum in order to maximize 22851
efficiency, enhance learning, and prepare students for success 22852
in the technology-driven twenty-first century. Districts and 22853
schools shall use distance and web-based course delivery as a 22854
method of providing or augmenting all instruction required under 22855
this division, including laboratory experience in science. 22856
Districts and schools shall utilize technology access and 22857
electronic learning opportunities provided by the broadcast 22858
educational media commission, chancellor, the Ohio learning 22859
network, education technology centers, public television 22860

stations, and other public and private providers. 22861

(D) Except as provided in division (E) of this section, a 22862
student who enters ninth grade on or after July 1, 2010, and 22863
before July 1, 2016, may qualify for graduation from a public or 22864
chartered nonpublic high school even though the student has not 22865
completed the requirements for graduation prescribed in division 22866
(C) of this section if all of the following conditions are 22867
satisfied: 22868

(1) During the student's third year of attending high 22869
school, as determined by the school, the student and the 22870
student's parent, guardian, or custodian sign and file with the 22871
school a written statement asserting the parent's, guardian's, 22872
or custodian's consent to the student's graduating without 22873
completing the requirements for graduation prescribed in 22874
division (C) of this section and acknowledging that one 22875
consequence of not completing those requirements is 22876
ineligibility to enroll in most state universities in Ohio 22877
without further coursework. 22878

(2) The student and parent, guardian, or custodian fulfill 22879
any procedural requirements the school stipulates to ensure the 22880
student's and parent's, guardian's, or custodian's informed 22881
consent and to facilitate orderly filing of statements under 22882
division (D)(1) of this section. Annually, each district or 22883
school shall notify the department of the number of students who 22884
choose to qualify for graduation under division (D) of this 22885
section and the number of students who complete the student's 22886
success plan and graduate from high school. 22887

(3) The student and the student's parent, guardian, or 22888
custodian and a representative of the student's high school 22889
jointly develop a student success plan for the student in the 22890

manner described in division (C) (1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship. 22891
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(4) The student's high school provides counseling and support for the student related to the plan developed under division (D) (3) of this section during the remainder of the student's high school experience. 22895
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(5) (a) Except as provided in division (D) (5) (b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section. 22899
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(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows: 22902
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(i) Mathematics, four units, one unit which shall be one of the following: 22906
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(I) Probability and statistics; 22908

(II) Computer science; 22909

(III) Applied mathematics or quantitative reasoning; 22910

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014. 22911
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(ii) Elective units, five units; 22914

(iii) Science, three units as prescribed by division (B) of this section which shall include inquiry-based laboratory experience that engages students in asking valid scientific 22915
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questions and gathering and analyzing information. 22918

(E) Each school district and chartered nonpublic school 22919
retains the authority to require an even more challenging 22920
minimum curriculum for high school graduation than specified in 22921
division (B) or (C) of this section. A school district board of 22922
education, through the adoption of a resolution, or the 22923
governing authority of a chartered nonpublic school may 22924
stipulate any of the following: 22925

(1) A minimum high school curriculum that requires more 22926
than twenty units of academic credit to graduate; 22927

(2) An exception to the district's or school's minimum 22928
high school curriculum that is comparable to the exception 22929
provided in division (D) of this section but with additional 22930
requirements, which may include a requirement that the student 22931
successfully complete more than the minimum curriculum 22932
prescribed in division (B) of this section; 22933

(3) That no exception comparable to that provided in 22934
division (D) of this section is available. 22935

If a school district or chartered nonpublic school 22936
requires a foreign language as an additional graduation 22937
requirement under division (E) of this section, a student may 22938
apply one unit of instruction in computer coding to satisfy one 22939
unit of foreign language. If a student applies more than one 22940
computer coding course to satisfy the foreign language 22941
requirement, the courses shall be sequential and progressively 22942
more difficult. 22943

(F) A student enrolled in a dropout prevention and 22944
recovery program, which program has received a waiver from the 22945
department, may qualify for graduation from high school by 22946

successfully completing a competency-based instructional program 22947
administered by the dropout prevention and recovery program in 22948
lieu of completing the requirements for graduation prescribed in 22949
division (C) of this section. The department shall grant a 22950
waiver to a dropout prevention and recovery program, within 22951
sixty days after the program applies for the waiver, if the 22952
program meets all of the following conditions: 22953

(1) The program serves only students not younger than 22954
sixteen years of age and not older than twenty-one years of age. 22955

(2) The program enrolls students who, at the time of their 22956
initial enrollment, either, or both, are at least one grade 22957
level behind their cohort age groups or experience crises that 22958
significantly interfere with their academic progress such that 22959
they are prevented from continuing their traditional programs. 22960

(3) The program requires students to attain at least the 22961
applicable score designated for each of the assessments 22962
prescribed under division (B) (1) of section 3301.0710 of the 22963
Revised Code or, to the extent prescribed by rule of the ~~state-~~ 22964
~~board-department~~ under division (D) (5) of section 3301.0712 of 22965
the Revised Code, division (B) (2) of that section. 22966

(4) The program develops a student success plan for the 22967
student in the manner described in division (C) (1) of section 22968
3313.6020 of the Revised Code that specifies the student's 22969
matriculating to a two-year degree program, acquiring a business 22970
and industry-recognized credential, or entering an 22971
apprenticeship. 22972

(5) The program provides counseling and support for the 22973
student related to the plan developed under division (F) (4) of 22974
this section during the remainder of the student's high school 22975

experience. 22976

(6) The program requires the student and the student's 22977
parent, guardian, or custodian to sign and file, in accordance 22978
with procedural requirements stipulated by the program, a 22979
written statement asserting the parent's, guardian's, or 22980
custodian's consent to the student's graduating without 22981
completing the requirements for graduation prescribed in 22982
division (C) of this section and acknowledging that one 22983
consequence of not completing those requirements is 22984
ineligibility to enroll in most state universities in Ohio 22985
without further coursework. 22986

(7) Prior to receiving the waiver, the program has 22987
submitted to the department an instructional plan that 22988
demonstrates how the academic content standards adopted by the 22989
~~state board~~ department under section 3301.079 of the Revised 22990
Code will be taught and assessed. 22991

(8) Prior to receiving the waiver, the program has 22992
submitted to the department a policy on career advising that 22993
satisfies the requirements of section 3313.6020 of the Revised 22994
Code, with an emphasis on how every student will receive career 22995
advising. 22996

(9) Prior to receiving the waiver, the program has 22997
submitted to the department a written agreement outlining the 22998
future cooperation between the program and any combination of 22999
local job training, postsecondary education, nonprofit, and 23000
health and social service organizations to provide services for 23001
students in the program and their families. 23002

Divisions (F) (8) and (9) of this section apply only to 23003
waivers granted on or after July 1, 2015. 23004

If the department does not act either to grant the waiver 23005
or to reject the program application for the waiver within sixty 23006
days as required under this section, the waiver shall be 23007
considered to be granted. 23008

(G) Every high school may permit students below the ninth 23009
grade to take advanced work. If a high school so permits, it 23010
shall award high school credit for successful completion of the 23011
advanced work and shall count such advanced work toward the 23012
graduation requirements of division (B) or (C) of this section 23013
if the advanced work was both: 23014

(1) Taught by a person who possesses a license or 23015
certificate issued under section 3301.071, 3319.22, or 3319.222 23016
of the Revised Code that is valid for teaching high school; 23017

(2) Designated by the board of education of the city, 23018
local, or exempted village school district, the board of the 23019
cooperative education school district, or the governing 23020
authority of the chartered nonpublic school as meeting the high 23021
school curriculum requirements. 23022

Each high school shall record on the student's high school 23023
transcript all high school credit awarded under division (G) of 23024
this section. In addition, if the student completed a seventh- 23025
or eighth-grade fine arts course described in division (K) of 23026
this section and the course qualified for high school credit 23027
under that division, the high school shall record that course on 23028
the student's high school transcript. 23029

(H) The department shall make its individual academic 23030
career plan available through its Ohio career information system 23031
web site for districts and schools to use as a tool for 23032
communicating with and providing guidance to students and 23033

families in selecting high school courses. 23034

(I) A school district or chartered nonpublic school may 23035
integrate academic content in a subject area for which the ~~state-~~ 23036
~~board-department~~ has adopted standards under section 3301.079 of 23037
the Revised Code into a course in a different subject area, 23038
including a career-technical education course, in accordance 23039
with guidance for integrated coursework developed by the 23040
department. Upon successful completion of an integrated course, 23041
a student may receive credit for both subject areas that were 23042
integrated into the course. Units earned for subject area 23043
content delivered through integrated academic and career- 23044
technical instruction are eligible to meet the graduation 23045
requirements of division (B) or (C) of this section. 23046

For purposes of meeting graduation requirements, if an 23047
end-of-course examination has been prescribed under section 23048
3301.0712 of the Revised Code for the subject area delivered 23049
through integrated instruction, the school district or school 23050
may administer the related subject area examinations upon the 23051
student's completion of the integrated course. 23052

Nothing in division (I) of this section shall be construed 23053
to excuse any school district, chartered nonpublic school, or 23054
student from any requirement in the Revised Code related to 23055
curriculum, assessments, or the awarding of a high school 23056
diploma. 23057

(J) (1) ~~The state board department,~~ in consultation with 23058
the chancellor, shall adopt a statewide plan implementing 23059
methods for students to earn units of high school credit based 23060
on a demonstration of subject area competency, instead of or in 23061
combination with completing hours of classroom instruction. ~~The-~~ 23062
~~state board shall adopt the plan not later than March 31, 2009,~~ 23063

~~and commence phasing in the plan during the 2009-2010 school-~~ 23064
~~year.~~ The plan shall include a standard method for recording 23065
demonstrated proficiency on high school transcripts. Each school 23066
district and community school shall comply with the ~~state-~~ 23067
~~board's department's~~ plan adopted under this division and award 23068
units of high school credit in accordance with the plan. The 23069
~~state board department~~ may adopt existing methods for earning 23070
high school credit based on a demonstration of subject area 23071
competency as necessary prior to the 2009-2010 school year. 23072

(2) ~~Not later than December 31, 2015, the state board~~ The 23073
department shall update the statewide plan adopted pursuant to 23074
division (J) (1) of this section to also include methods for 23075
students enrolled in seventh and eighth grade to meet curriculum 23076
requirements based on a demonstration of subject area 23077
competency, instead of or in combination with completing hours 23078
of classroom instruction. Beginning with the 2017-2018 school 23079
year, each school district and community school also shall 23080
comply with the updated plan adopted pursuant to this division 23081
and permit students enrolled in seventh and eighth grade to meet 23082
curriculum requirements based on subject area competency in 23083
accordance with the plan. 23084

(3) ~~Not later than December 31, 2017, the~~ The department 23085
shall develop a framework for school districts and community 23086
schools to use in granting units of high school credit to 23087
students who demonstrate subject area competency through work- 23088
based learning experiences, internships, or cooperative 23089
education. Beginning with the 2018-2019 school year, each 23090
district and community school shall comply with the framework. 23091
Each district and community school also shall review any policy 23092
it has adopted regarding the demonstration of subject area 23093
competency to identify ways to incorporate work-based learning 23094

experiences, internships, and cooperative education into the 23095
policy in order to increase student engagement and opportunities 23096
to earn units of high school credit. 23097

(K) This division does not apply to students who qualify 23098
for graduation from high school under division (D) or (F) of 23099
this section, or to students pursuing a career-technical 23100
instructional track as determined by the school district board 23101
of education or the chartered nonpublic school's governing 23102
authority. Nevertheless, the general assembly encourages such 23103
students to consider enrolling in a fine arts course as an 23104
elective. 23105

Beginning with students who enter ninth grade for the 23106
first time on or after July 1, 2010, each student enrolled in a 23107
public or chartered nonpublic high school shall complete two 23108
semesters or the equivalent of fine arts to graduate from high 23109
school. The coursework may be completed in any of grades seven 23110
to twelve. Each student who completes a fine arts course in 23111
grade seven or eight may elect to count that course toward the 23112
five units of electives required for graduation under division 23113
(C) (8) of this section, if the course satisfied the requirements 23114
of division (G) of this section. In that case, the high school 23115
shall award the student high school credit for the course and 23116
count the course toward the five units required under division 23117
(C) (8) of this section. If the course in grade seven or eight 23118
did not satisfy the requirements of division (G) of this 23119
section, the high school shall not award the student high school 23120
credit for the course but shall count the course toward the two 23121
semesters or the equivalent of fine arts required by this 23122
division. 23123

(L) Notwithstanding anything to the contrary in this 23124

section, the board of education of each school district and the 23125
governing authority of each chartered nonpublic school may adopt 23126
a policy to excuse from the high school physical education 23127
requirement each student who, during high school, has 23128
participated in interscholastic athletics, marching band, show 23129
choir, or cheerleading for at least two full seasons or in the 23130
junior reserve officer training corps for at least two full 23131
school years. If the board or authority adopts such a policy, 23132
the board or authority shall not require the student to complete 23133
any physical education course as a condition to graduate. 23134
However, the student shall be required to complete one-half 23135
unit, consisting of at least sixty hours of instruction, in 23136
another course of study. In the case of a student who has 23137
participated in the junior reserve officer training corps for at 23138
least two full school years, credit received for that 23139
participation may be used to satisfy the requirement to complete 23140
one-half unit in another course of study. 23141

(M) It is important that high school students learn and 23142
understand United States history and the governments of both the 23143
United States and the state of Ohio. Therefore, beginning with 23144
students who enter ninth grade for the first time on or after 23145
July 1, 2012, the study of American history and American 23146
government required by divisions (B)(6) and (C)(6) of this 23147
section shall include the study of all of the following 23148
documents: 23149

(1) The Declaration of Independence; 23150

(2) The Northwest Ordinance; 23151

(3) The Constitution of the United States with emphasis on 23152
the Bill of Rights; 23153

(4) The Ohio Constitution.	23154
The study of each of the documents prescribed in divisions	23155
(M) (1) to (4) of this section shall include study of that	23156
document in its original context.	23157
The study of American history and government required by	23158
divisions (B) (6) and (C) (6) of this section shall include the	23159
historical evidence of the role of documents such as the	23160
Federalist Papers and the Anti-Federalist Papers to firmly	23161
establish the historical background leading to the establishment	23162
of the provisions of the Constitution and Bill of Rights.	23163
(N) A student may apply one unit of instruction in	23164
computer science to satisfy one unit of mathematics or one unit	23165
of science under division (C) of this section as the student	23166
chooses, regardless of the field of certification of the teacher	23167
who teaches the course, so long as that teacher meets the	23168
licensure requirements prescribed by section 3319.236 of the	23169
Revised Code and, prior to teaching the course, completes a	23170
professional development program determined to be appropriate by	23171
the district board.	23172
If a student applies more than one computer science course	23173
to satisfy curriculum requirements under that division, the	23174
courses shall be sequential and progressively more difficult or	23175
cover different subject areas within computer science.	23176
Sec. 3313.605. (A) As used in this section:	23177
(1) "Civic responsibility" means the patriotic and ethical	23178
duties of all citizens to take an active role in society and to	23179
consider the interests and concerns of other individuals in the	23180
community.	23181
(2) "Volunteerism" means nonprofit activity in the United	23182

States, the benefits and limitations of nonprofit activities, 23183
and the presence and function of nonprofit civic and charitable 23184
organizations in the United States. 23185

(3) "Community service" means a service performed through 23186
educational institutions, government agencies, nonprofit 23187
organizations, social service agencies, and philanthropies and 23188
generally designed to provide direct experience with people or 23189
project planning, with the goal of improving the quality of life 23190
for the community. Such activities may include but are not 23191
limited to tutoring, literacy training, neighborhood 23192
improvement, encouraging interracial and multicultural 23193
understanding, promoting ideals of patriotism, increasing 23194
environmental safety, assisting the elderly or disabled, and 23195
providing mental health care, housing, drug abuse prevention 23196
programs, and other philanthropic programs, particularly for 23197
disadvantaged or low-income persons. 23198

(B) The board of education of each city, local, exempted 23199
village, and joint vocational school district, the governing 23200
authority of each community school established under Chapter 23201
3314. of the Revised Code, and the governing body of each STEM 23202
school established under Chapter 3326. of the Revised Code may 23203
include community service education in its educational program. 23204
A governing board of an educational service center, upon the 23205
request of a local school district board of education, may 23206
provide a community service education program for the local 23207
district pursuant to this section. If a board, governing 23208
authority, or governing body includes community service 23209
education in its education program, the board, governing 23210
authority, or governing body shall do both of the following: 23211

(1) Establish a community service advisory committee. The 23212

committee shall provide recommendations to the board, governing authority, or governing body regarding a community service plan for students and shall oversee and assist in the implementation of the plan adopted by the board, governing authority, or governing body under division (B) (2) of this section. Each board, governing authority, or governing body shall determine the membership and organization of its advisory committee and may designate an existing committee established for another purpose to serve as the community service advisory committee; however, each such committee shall include two or more students and shall include or consult with at least one person employed in the field of volunteer management who devotes at least fifty per cent of employment hours to coordinating volunteerism among community organizations. The committee members may include representatives of parents, teachers, administrators, other educational institutions, business, government, nonprofit organizations, veterans organizations, social service agencies, religious organizations, and philanthropies.

(2) Develop and implement a community service plan. To assist in establishing its plan, the board, governing authority, or governing body shall consult with and may contract with one or more local or regional organizations with experience in volunteer program development and management. Each community service plan adopted under this division shall be based upon the recommendations of the advisory committee and shall provide for all of the following:

(a) Education of students in the value of community service and its contributions to the history of this state and this nation;

(b) Identification of opportunities for students to

provide community service;	23243
(c) Encouragement of students to provide community service;	23244 23245
(d) Integration of community service opportunities into the curriculum;	23246 23247
(e) A community service instructional program for teachers, including strategies for the teaching of community service education, for the discovery of community service opportunities, and for the motivation of students to become involved in community service.	23248 23249 23250 23251 23252
Plans shall be reviewed periodically by the advisory committee and, if necessary, revised by the board, governing authority, or governing body at least once every five years.	23253 23254 23255
Plans shall provide for students to perform services under the plan that will not supplant the hiring of, result in the displacement of, or impair any existing employment contract of any particular employee of any private or governmental entity for which the services are performed. The plan shall provide for any entity utilizing a student to perform community service under the plan to verify to the board that the student does not supplant the hiring of, displace, or impair the employment contract of any particular employee of the entity.	23256 23257 23258 23259 23260 23261 23262 23263 23264
Upon adoption, a board, governing authority, or governing body shall submit a copy of its plan to the department of education <u>and workforce</u> . Each city and exempted village board of education and each governing board of a service center shall include a copy of its plan in any course of study adopted under section 3313.60 of the Revised Code that is required to be submitted for approval to the state board <u>department</u> for review.	23265 23266 23267 23268 23269 23270 23271

A joint vocational school district board of education shall 23272
submit a copy of its plan to the ~~state board~~ department for 23273
review when required to do so by the ~~state board~~ department. A 23274
local board shall forward its plan to the educational service 23275
center governing board for inclusion in the governing board's 23276
course of study. The department periodically shall review all 23277
plans and publish those plans that could serve as models for 23278
other school districts, educational service centers, community 23279
schools, or STEM schools. 23280

(C) Under this section, a board, governing authority, or 23281
governing body may only grant high school credit for a community 23282
service education course if approximately half of the course is 23283
devoted to classroom study of such matters as civic 23284
responsibility, the history of volunteerism, and community 23285
service training and approximately half of the course is devoted 23286
to community service. 23287

Each board, governing authority, or governing body shall 23288
determine which specific activities will serve to fulfill the 23289
required hours of community service. 23290

(D) The ~~superintendent of public instruction department of~~ 23291
education and workforce shall develop guidelines for the 23292
development and implementation of a rubric to evaluate and rate 23293
community service education projects for use by districts, 23294
governing authorities, and governing boards that adopt a 23295
community service education plan. 23296

(E) The ~~state superintendent department~~ shall adopt rules 23297
for granting a student special certification, special 23298
recognition on a diploma, or special notification in the 23299
student's record upon the student's successful completion of an 23300
approved community service project. 23301

The district board, governing authority, or governing body shall use a rubric developed in accordance with division (D) of this section to determine whether a community service project warrants recognition on a student's diploma under this division.

Sec. 3313.608. (A) (1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:

(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the student's skill in reading demonstrate that the student is academically prepared to be promoted to fourth grade;

(b) Promote the student to fourth grade but provide the student with intensive intervention services in fourth grade;

(c) Retain the student in third grade.

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated

under division (A) (3) of section 3301.0710 of the Revised Code	23331
on the assessment prescribed under that section to measure skill	23332
in English language arts expected at the end of third grade,	23333
unless one of the following applies:	23334
(a) The student is an English learner who has been	23335
enrolled in United States schools for less than three full	23336
school years and has had less than three years of instruction in	23337
an English as a second language program.	23338
(b) The student is a child with a disability entitled to	23339
special education and related services under Chapter 3323. of	23340
the Revised Code and the student's individualized education	23341
program exempts the student from retention under this division.	23342
(c) The student demonstrates an acceptable level of	23343
performance on an alternative standardized reading assessment as	23344
determined by the department of education <u>and workforce</u> .	23345
(d) All of the following apply:	23346
(i) The student is a child with a disability entitled to	23347
special education and related services under Chapter 3323. of	23348
the Revised Code.	23349
(ii) The student has taken the third grade English	23350
language arts achievement assessment prescribed under section	23351
3301.0710 of the Revised Code.	23352
(iii) The student's individualized education program or	23353
plan under section 504 of the "Rehabilitation Act of 1973," 87	23354
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has	23355
received intensive remediation in reading for two school years	23356
but still demonstrates a deficiency in reading.	23357
(iv) The student previously was retained in any of grades	23358

kindergarten to three. 23359

(e) (i) The student received intensive remediation for 23360
reading for two school years but still demonstrates a deficiency 23361
in reading and was previously retained in any of grades 23362
kindergarten to three. 23363

(ii) A student who is promoted under division (A) (2) (e) (i) 23364
of this section shall continue to receive intensive reading 23365
instruction in grade four. The instruction shall include an 23366
altered instructional day that includes specialized diagnostic 23367
information and specific research-based reading strategies for 23368
the student that have been successful in improving reading among 23369
low-performing readers. 23370

(B) (1) Beginning in the 2012-2013 school year, to assist 23371
students in meeting the third grade guarantee established by 23372
this section, each school district board of education shall 23373
adopt policies and procedures with which it annually shall 23374
assess the reading skills of each student, except those students 23375
with significant cognitive disabilities or other disabilities as 23376
authorized by the department on a case-by-case basis, enrolled 23377
in kindergarten to third grade and shall identify students who 23378
are reading below their grade level. The reading skills 23379
assessment shall be completed by the thirtieth day of September 23380
for students in grades one to three, and by the twentieth day of 23381
instruction of the school year for students in kindergarten. 23382
Each district shall use the diagnostic assessment to measure 23383
reading ability for the appropriate grade level adopted under 23384
section 3301.079 of the Revised Code, or a comparable tool 23385
approved by the department of education and workforce, to 23386
identify such students. The policies and procedures shall 23387
require the students' classroom teachers to be involved in the 23388

assessment and the identification of students reading below 23389
grade level. The assessment may be administered electronically 23390
using live, two-way video and audio connections whereby the 23391
teacher administering the assessment may be in a separate 23392
location from the student. 23393

(2) For each student identified by the diagnostic 23394
assessment prescribed under this section as having reading 23395
skills below grade level, the district shall do both of the 23396
following: 23397

(a) Provide to the student's parent or guardian, in 23398
writing, all of the following: 23399

(i) Notification that the student has been identified as 23400
having a substantial deficiency in reading; 23401

(ii) A description of the current services that are 23402
provided to the student; 23403

(iii) A description of the proposed supplemental 23404
instructional services and supports that will be provided to the 23405
student that are designed to remediate the identified areas of 23406
reading deficiency; 23407

(iv) Notification that if the student attains a score in 23408
the range designated under division (A) (3) of section 3301.0710 23409
of the Revised Code on the assessment prescribed under that 23410
section to measure skill in English language arts expected at 23411
the end of third grade, the student shall be retained unless the 23412
student is exempt under division (A) of this section. The 23413
notification shall specify that the assessment under section 23414
3301.0710 of the Revised Code is not the sole determinant of 23415
promotion and that additional evaluations and assessments are 23416
available to the student to assist parents and the district in 23417

knowing when a student is reading at or above grade level and	23418
ready for promotion.	23419
(b) Provide intensive reading instruction services and	23420
regular diagnostic assessments to the student immediately	23421
following identification of a reading deficiency until the	23422
development of the reading improvement and monitoring plan	23423
required by division (C) of this section. These intervention	23424
services shall include research-based reading strategies that	23425
have been shown to be successful in improving reading among low-	23426
performing readers and instruction targeted at the student's	23427
identified reading deficiencies.	23428
(3) For each student retained under division (A) of this	23429
section, the district shall do all of the following:	23430
(a) Provide intense remediation services until the student	23431
is able to read at grade level. The remediation services shall	23432
include intensive interventions in reading that address the	23433
areas of deficiencies identified under this section including,	23434
but not limited to, not less than ninety minutes of reading	23435
instruction per day, and may include any of the following:	23436
(i) Small group instruction;	23437
(ii) Reduced teacher-student ratios;	23438
(iii) More frequent progress monitoring;	23439
(iv) Tutoring or mentoring;	23440
(v) Transition classes containing third and fourth grade	23441
students;	23442
(vi) Extended school day, week, or year;	23443
(vii) Summer reading camps.	23444

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or

guardian and classroom teacher in developing the plan. The plan shall include all of the following:	23474 23475
(1) Identification of the student's specific reading deficiencies;	23476 23477
(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;	23478 23479 23480
(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C) (2) of this section;	23481 23482 23483
(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C) (2) of this section;	23484 23485 23486
(5) A reading curriculum during regular school hours that does all of the following:	23487 23488
(a) Assists students to read at grade level;	23489
(b) Provides scientifically based and reliable assessment;	23490
(c) Provides initial and ongoing analysis of each student's reading progress.	23491 23492
(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A) (3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.	23493 23494 23495 23496 23497 23498
Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1,	23499 23500

2013, shall be assigned to a teacher who satisfies one or more 23501
of the criteria set forth in division (H) of this section. 23502

The district shall report any information requested by the 23503
department about the reading improvement monitoring plans 23504
developed under this division in the manner required by the 23505
department. 23506

(D) Each school district shall report annually to the 23507
department on its implementation and compliance with this 23508
section using guidelines prescribed by the ~~superintendent of~~ 23509
~~public instruction~~department. The ~~superintendent of public~~ 23510
~~instruction~~director of education and workforce annually shall 23511
report to the governor and general assembly the number and 23512
percentage of students in grades kindergarten through four 23513
reading below grade level based on the diagnostic assessments 23514
administered under division (B) of this section and the 23515
achievement assessments administered under divisions (A) (1) (a) 23516
and (b) of section 3301.0710 of the Revised Code in English 23517
language arts, aggregated by school district and building; the 23518
types of intervention services provided to students; and, if 23519
available, an evaluation of the efficacy of the intervention 23520
services provided. 23521

(E) Any summer remediation services funded in whole or in 23522
part by the state and offered by school districts to students 23523
under this section shall meet the following conditions: 23524

(1) The remediation methods are based on reliable 23525
educational research. 23526

(2) The school districts conduct assessment before and 23527
after students participate in the program to facilitate 23528
monitoring results of the remediation services. 23529

(3) The parents of participating students are involved in programming decisions.	23530 23531
(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.	23532 23533 23534
(G) This section does not create a new cause of action or a substantive legal right for any person.	23535 23536
(H) (1) Except as provided under divisions (H) (2), (3), and (4) of this section, each student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:	23537 23538 23539 23540 23541 23542
(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	23543 23544 23545
(b) The teacher has completed a master's degree program with a major in reading.	23546 23547
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board department under division (B) (2) of section 3319.112 of the Revised Code.	23548 23549 23550 23551 23552 23553
(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.	23554 23555 23556
(e) The teacher has earned a passing score on a rigorous	23557

test of principles of scientifically research-based reading 23558
instruction as approved by the ~~state board~~ department. 23559

(f) The teacher holds an educator license for teaching 23560
grades pre-kindergarten through three or four through nine 23561
issued on or after July 1, 2017. 23562

(2) Notwithstanding division (H) (1) of this section, a 23563
student described in division (B) (3) or (C) of this section who 23564
enters third grade for the first time on or after July 1, 2013, 23565
may be assigned to a teacher with less than one year of teaching 23566
experience provided that the teacher meets one or more of the 23567
criteria described in divisions (H) (1) (a) to (f) of this section 23568
and that teacher is assigned a teacher mentor who meets the 23569
qualifications of division (H) (1) of this section. 23570

(3) Notwithstanding division (H) (1) of this section, a 23571
student described in division (B) (3) or (C) of this section who 23572
enters third grade for the first time on or after July 1, 2013, 23573
but prior to July 1, 2016, may be assigned to a teacher who 23574
holds an alternative credential approved by the department or 23575
who has successfully completed training that is based on 23576
principles of scientifically research-based reading instruction 23577
that has been approved by the department. Beginning on July 1, 23578
2014, the alternative credentials and training described in 23579
division (H) (3) of this section shall be aligned with the 23580
reading competencies adopted by the state board of education 23581
under section 3301.077 of the Revised Code. 23582

(4) Notwithstanding division (H) (1) of this section, a 23583
student described in division (B) (3) or (C) of this section who 23584
enters third grade for the first time on or after July 1, 2013, 23585
may receive reading intervention or remediation services under 23586
this section from an individual employed as a speech-language 23587

pathologist who holds a license issued by the state speech and 23588
hearing professionals board under Chapter 4753. of the Revised 23589
Code and a ~~professional pupil services license as a school~~ 23590
~~speech language pathologist issued by the state board of~~ 23591
~~education~~ registration under section 3319.221 of the Revised 23592
Code. 23593

(5) A teacher, other than a student's teacher of record, 23594
may provide any services required under this section, so long as 23595
that other teacher meets the requirements of division (H) of 23596
this section and the teacher of record and the school principal 23597
agree to the assignment. Any such assignment shall be documented 23598
in the student's reading improvement and monitoring plan. 23599

As used in this division, "teacher of record" means the 23600
classroom teacher to whom a student is assigned. 23601

(I) Notwithstanding division (H) of this section, a 23602
teacher may teach reading to any student who is an English 23603
language learner, and has been in the United States for three 23604
years or less, or to a student who has an individualized 23605
education program developed under Chapter 3323. of the Revised 23606
Code if that teacher holds an alternative credential approved by 23607
the department or has successfully completed training that is 23608
based on principles of scientifically research-based reading 23609
instruction that has been approved by the department. Beginning 23610
on July 1, 2014, the alternative credentials and training 23611
described in this division shall be aligned with the reading 23612
competencies adopted by the state board of education under 23613
section 3301.077 of the Revised Code. 23614

(J) If, on or after June 4, 2013, a school district or 23615
community school cannot furnish the number of teachers needed 23616
who satisfy one or more of the criteria set forth in division 23617

(H) of this section for the 2013-2014 school year, the school 23618
district or community school shall develop and submit a staffing 23619
plan by June 30, 2013. The staffing plan shall include criteria 23620
that will be used to assign a student described in division (B) 23621
(3) or (C) of this section to a teacher, credentials or training 23622
held by teachers currently teaching at the school, and how the 23623
school district or community school will meet the requirements 23624
of this section. The school district or community school shall 23625
post the staffing plan on its web site for the applicable school 23626
year. 23627

Not later than March 1, 2014, and on the first day of 23628
March in each year thereafter, a school district or community 23629
school that has submitted a plan under this division shall 23630
submit to the department a detailed report of the progress the 23631
district or school has made in meeting the requirements under 23632
this section. 23633

A school district or community school may request an 23634
extension of a staffing plan beyond the 2013-2014 school year. 23635
Extension requests must be submitted to the department not later 23636
than the thirtieth day of April prior to the start of the 23637
applicable school year. The department may grant extensions 23638
valid through the 2015-2016 school year. 23639

~~Until June 30, 2015, the department annually shall review 23640
all staffing plans and report to the state board not later than 23641
the thirtieth day of June of each year the progress of school 23642
districts and community schools in meeting the requirements of 23643
this section. 23644~~

(K) The department of education and workforce shall 23645
designate one or more staff members to provide guidance and 23646
assistance to school districts and community schools in 23647

implementing the third grade guarantee established by this 23648
section, including any standards or requirements adopted to 23649
implement the guarantee and to provide information and support 23650
for reading instruction and achievement. 23651

Sec. 3313.6011. (A) As used in this section, "sexual 23652
activity" has the same meaning as in section 2907.01 of the 23653
Revised Code. 23654

(B) Instruction in venereal disease education pursuant to 23655
division (A) (5) (c) of section 3313.60 of the Revised Code shall 23656
emphasize that abstinence from sexual activity is the only 23657
protection that is one hundred per cent effective against 23658
unwanted pregnancy, sexually transmitted disease, and the sexual 23659
transmission of a virus that causes acquired immunodeficiency 23660
syndrome. 23661

(C) (1) The department of education and workforce shall 23662
require course material and instruction in venereal disease 23663
education courses taught pursuant to division (A) (5) (c) of 23664
section 3313.60 of the Revised Code to do all of the following: 23665

(a) Stress that students should abstain from sexual 23666
activity until after marriage; 23667

(b) Teach the potential physical, psychological, 23668
emotional, and social side effects of participating in sexual 23669
activity outside of marriage; 23670

(c) Teach that conceiving children out of wedlock is 23671
likely to have harmful consequences for the child, the child's 23672
parents, and society; 23673

(d) Stress that sexually transmitted diseases are serious 23674
possible hazards of sexual activity; 23675

(e) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock;

(f) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code;

(g) Emphasize adoption as an option for unintended pregnancies.

(2) If a school district or school chooses to offer additional instruction in venereal disease or sexual education not specified in division (C)(1) of this section, the district or school shall notify all parents or guardians of that instruction, including the name of any instructor, vendor name, if applicable, and the name of the curriculum being used. No district or school shall offer that instruction to a student unless that student's parent or guardian has submitted written permission for that student to receive that instruction. Division (E) of this section does not apply to division (C)(2) of this section.

(3) Upon request, a school district or school shall provide any materials associated with the instruction offered under divisions (C)(1) and (2) of this section to a parent or guardian.

(D) The ~~state board of education department~~ shall not adopt a separate model education program for health education.

(E) The department shall conduct an annual audit of each city, local, and exempted village school district, at the start of each school year, relative to its compliance with the instruction requirements of this section and division (A)(5)(c)

of section 3313.60 of the Revised Code. The department shall 23705
publish the findings of each audit not later than one hundred 23706
twenty days after the start of the school year. The department 23707
shall include in the findings of each audit the name of any 23708
organization or program that provided materials to a school 23709
district regarding venereal disease instruction. The 23710
department's findings shall be prominently posted on its web 23711
site. 23712

(F) The ~~superintendent of public instruction~~ director of 23713
education and workforce shall not approve, pursuant to section 23714
3302.07 of the Revised Code, any waiver of any requirement of 23715
this section. 23716

Sec. 3313.6013. (A) As used in this section, "advanced 23717
standing program" means a program that enables a student to earn 23718
credit toward a degree from an institution of higher education 23719
while enrolled in high school or that enables a student to 23720
complete coursework while enrolled in high school that may earn 23721
credit toward a degree from an institution of higher education 23722
upon the student's attainment of a specified score on an 23723
examination covering the coursework. Advanced standing programs 23724
may include any of the following: 23725

(1) The college credit plus program established under 23726
Chapter 3365. of the Revised Code; 23727

(2) Advanced placement courses; 23728

(3) International baccalaureate diploma courses; 23729

(4) Early college high school programs. 23730

(B) Each city, local, exempted village, and joint 23731
vocational school district and each chartered nonpublic high 23732
school shall provide students enrolled in grades nine through 23733

twelve with the opportunity to participate in an advanced 23734
standing program. For this purpose, each school district and 23735
chartered nonpublic high school shall offer at least one 23736
advanced standing program in accordance with division (B) (1) or 23737
(2) of this section, as applicable. 23738

(1) A city, local, or exempted village school district 23739
meets the requirements of this division through its mandatory 23740
participation in the college credit plus program established 23741
under Chapter 3365. of the Revised Code. However, a city, local, 23742
or exempted village school district may offer any other advanced 23743
standing program, in addition to the college credit plus 23744
program, and each joint vocational school district shall offer 23745
at least one other advanced standing program, to students in 23746
good standing, as defined by the partnership for continued 23747
learning under section 3301.42 of the Revised Code as it existed 23748
prior to October 16, 2009, or as subsequently defined by the 23749
department of education and workforce. 23750

(2) A chartered nonpublic high school that elects to 23751
participate in the college credit plus program established under 23752
Chapter 3365. of the Revised Code meets the requirements of this 23753
division. Each chartered nonpublic high school that elects not 23754
to participate in the college credit plus program instead shall 23755
offer at least one other advanced standing program to students 23756
in good standing, as defined by the partnership for continued 23757
learning under section 3301.42 of the Revised Code as it existed 23758
prior to October 16, 2009, or as subsequently defined by the 23759
department of education and workforce. 23760

(C) Each school district and each chartered nonpublic high 23761
school, at least annually, shall provide information about the 23762
advanced standing programs offered by the district or school to 23763

all students enrolled in grades six through eleven. The district or school shall include information about all of the following: 23764
23765

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit; 23766
23767
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(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations; 23772
23773
23774

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost; 23775
23776
23777

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses; 23778
23779

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district. 23780
23781
23782

The district or school may include additional information as determined appropriate by the district or school. 23783
23784

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination. 23785
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(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the college credit plus program, provided the program meets the definition set forth in division (F) (2) of this section and is approved by the ~~superintendent of public instruction~~ director of education and workforce and the chancellor of higher education.

The college credit plus program also shall not govern any advanced placement course or international baccalaureate diploma course as described under this section.

(F) As used in this section:

(1) "Associated college" means a public or private college, as defined in section 3365.01 of the Revised Code, which has entered into an agreement with a school district or school to establish an early college high school program, as described in division (F) (2) of this section, and awards transcribed credit, as defined in section 3365.01 of the Revised Code, to students through that program.

(2) "Early college high school program" means a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than twenty-four credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a post-secondary degree or credential at no cost to the participant or participant's family. The program also shall prioritize the following students:

(a) Students who are underrepresented in regard to completing post-secondary education;	23822 23823
(b) Students who are economically disadvantaged, as defined by the department of education <u>and workforce</u> ;	23824 23825
(c) Students whose parents did not earn a college degree.	23826
Sec. 3313.6015. The board of education of each city, exempted village, and local school district shall adopt a resolution describing how the district will address college and career readiness and financial literacy in its curriculum for grade seven or eight and for any other grades in which the board determines that those subjects should be addressed. The board shall submit a copy of the resolution to the department of education <u>and workforce</u> .	23827 23828 23829 23830 23831 23832 23833 23834
Sec. 3313.6016. (A) Beginning in the 2011-2012 school year, the <u>The</u> department of education <u>and workforce</u> shall administer a pilot program requiring daily physical activity for students. Any school district; community school established under Chapter 3314. of the Revised Code; science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code; or chartered nonpublic school annually may elect to participate in the pilot program by notifying the department of its interest by a date established by the department. If a school district elects to participate in the pilot program, the district shall select one or more school buildings to participate in the program. To the maximum extent possible, the department shall seek to include in the pilot program districts and schools that are located in urban, suburban, and rural areas distributed geographically throughout the state. The department shall administer the pilot program in accordance with this section.	23835 23836 23837 23838 23839 23840 23841 23842 23843 23844 23845 23846 23847 23848 23849 23850 23851

(B) Except as provided in division (C) of this section, 23852
each district or school participating in the pilot program shall 23853
require all students in the school building selected under 23854
division (A) of this section to engage in at least thirty 23855
minutes of moderate to rigorous physical activity each school 23856
day or at least one hundred fifty minutes of moderate to 23857
rigorous physical activity each week, exclusive of recess. 23858
Physical activity engaged in during the following may count 23859
toward the daily requirement: 23860

(1) A physical education course; 23861

(2) A program or activity occurring before or after the 23862
regular school day, as defined in section 3313.814 of the 23863
Revised Code, that is sponsored or approved by the school of 23864
attendance, provided school officials are able to monitor 23865
students' participation to ensure compliance with the 23866
requirement. 23867

(C) None of the following shall be subject to the 23868
requirement of division (B) of this section: 23869

(1) Any student enrolled in the college credit plus 23870
program established under Chapter 3365. of the Revised Code; 23871

(2) Any student enrolled in a career-technical education 23872
program operated by the district or school; 23873

(3) Any student enrolled in a dropout prevention and 23874
recovery program operated by the district or school. 23875

(D) For any period in which a student is participating in 23876
interscholastic athletics, marching band, cheerleading, or a 23877
junior reserve officer training corps program, the district or 23878
school may excuse the student from the requirement of division 23879
(B) of this section. 23880

(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section.

(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division.

Sec. 3313.6019. (A) Not later than December 31, 2013, the department of education and workforce shall issue a report with recommendations for quality agricultural education programs. These recommendations shall be developed using both of the following:

(1) The standards for exemplary agricultural education that are described in the national quality program standards for secondary (grades 9-12) agricultural education developed by the national council for agricultural education or a successor document developed by the national council for agricultural education or its successor;

(2) The quality program standards for Ohio's agricultural and environmental systems career field programs or a successor document developed by the department, the Ohio association of agricultural educators, the Ohio state university, and wilmington college of Ohio.

The report shall include the appropriate use of extended programming in agricultural education programs and the recommended number of hours outside the normal school day that

licensed educators may be permitted to provide extended 23910
programming instruction. Following the initial issuance of the 23911
report, the department may periodically review and update the 23912
report as it considers necessary. 23913

(B) All agricultural education instructors shall utilize a 23914
three-part model of agricultural education instruction of 23915
classroom instruction, FFA activities, and extended programming 23916
projects. 23917

(C) Professional development associated with agricultural 23918
education shall be considered an acceptable use of extended 23919
student programming funds. 23920

(D) All agricultural education instructors shall submit a 23921
monthly time log to the principal of the school at which the 23922
extended programming is offered, or the principal's designee, 23923
for review. 23924

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 23925
year, the board of education of each city, local, exempted 23926
village, and joint vocational school district shall adopt a 23927
policy on career advising that complies with this section. 23928
Thereafter, the policy shall be updated at least once every two 23929
years. 23930

(2) The board shall make the policy publicly available to 23931
students, parents, guardians, or custodians, local post- 23932
secondary institutions, and residents of the district. The 23933
district shall post the policy in a prominent location on its 23934
web site, if it has one. 23935

(B) The policy on career advising shall specify how the 23936
district will do all of the following: 23937

(1) Provide students with grade-level examples that link 23938

their schoolwork to one or more career fields. A district may 23939
use career connections developed under division (B) (2) of 23940
section 3301.079 of the Revised Code for this purpose. 23941

(2) Create a plan to provide career advising to students 23942
in grades six through twelve; 23943

(3) Beginning in the 2015-2016 school year, provide 23944
additional interventions and career advising for students who 23945
are identified as at risk of dropping out of school in 23946
accordance with division (C) of this section; 23947

(4) Train its employees on how to advise students on 23948
career pathways, including training on advising students using 23949
online tools; 23950

(5) Develop multiple, clear academic pathways through high 23951
school that students may choose in order to earn a high school 23952
diploma; 23953

(6) Identify and publicize courses that can award students 23954
both traditional academic and career-technical credit; 23955

(7) Document the career advising provided to each student 23956
for review by the student, the student's parent, guardian, or 23957
custodian, and future schools that the student may attend. A 23958
district shall not otherwise release this information without 23959
the written consent of the student's parent, guardian, or 23960
custodian, if the student is less than eighteen years old, or 23961
the written consent of the student, if the student is at least 23962
eighteen years old. 23963

(8) Prepare students for their transition from high school 23964
to their post-secondary destinations, including any special 23965
interventions that are necessary for students in need of 23966
remediation in mathematics or English language arts; 23967

(9) Include information regarding career fields that require an industry-recognized credential, certificate, associate's degree, bachelor's degree, graduate degree, or professional degree;	23968 23969 23970 23971
(10) Provide students with information about ways a student may offset the costs of a post-secondary education, including programs such as all of the following:	23972 23973 23974
(a) The reserve officer training corps;	23975
(b) The college credit plus program established under Chapter 3365. of the Revised Code;	23976 23977
(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;	23978 23979
(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.	23980 23981 23982
The chancellor of higher education shall develop informational materials that illustrate cost saving estimates for each of the options listed under division (B) (10) of this section. The chancellor shall develop a list of individual college courses that are transferable under section 3333.16 of the Revised Code.	23983 23984 23985 23986 23987 23988
(C) (1) Beginning in the 2015-2016 school year, each district shall identify students who are at risk of dropping out of school using a method that is both research-based and locally-based and that is developed with input from the district's classroom teachers and guidance counselors. If a student is identified as at risk of dropping out of school, the district shall develop a student success plan that addresses the student's academic pathway to a successful graduation and the	23989 23990 23991 23992 23993 23994 23995 23996

role of career-technical education, competency-based education, 23997
and experiential learning, as appropriate, in that pathway. 23998

(2) Prior to developing a student success plan for a 23999
student, the district shall invite the student's parent, 24000
guardian, or custodian to assist in developing the plan. If the 24001
student's parent, guardian, or custodian does not participate in 24002
the development of the plan, the district shall provide to the 24003
parent, guardian, or custodian a copy of the student's success 24004
plan and a statement of the importance of a high school diploma 24005
and the academic pathways available to the student in order to 24006
successfully graduate. 24007

(3) Following the development of a student success plan 24008
for a student, the district shall provide career advising to the 24009
student that is aligned with the plan and, beginning in the 24010
2015-2016 school year, the district's plan to provide career 24011
advising created under division (B) (2) of this section. 24012

(D) (1) ~~Not later than December 1, 2014, the~~ The department 24013
of education and workforce shall develop and post on its web 24014
site model policies on career advising and model student success 24015
plans. 24016

(2) ~~Not later than July 1, 2015, the~~ The department shall 24017
create an online clearinghouse of research related to proven 24018
practices for policies on career advising and student success 24019
plans that districts may access when fulfilling the requirements 24020
of this section. 24021

(3) The department shall develop and make available 24022
informational materials for students in grades seven and eight 24023
about career opportunities available to them, including in- 24024
demand jobs as defined in section 3333.94 of the Revised Code, 24025

and how a career-technical education may help them satisfy 24026
graduation conditions under section 3313.618 of the Revised 24027
Code. 24028

Sec. 3313.6024. (A) ~~Annually, beginning in the 2019-2020~~ 24029
~~school year,~~ each school district shall report to the department 24030
of education and workforce, in the manner prescribed by the 24031
department, the types of prevention-focused programs, services, 24032
and supports used to assist students in developing the knowledge 24033
and skills to engage in healthy behaviors and decision-making 24034
and to increase their awareness of the dangers and consequences 24035
of risky behaviors, including substance abuse, suicide, 24036
bullying, and other harmful behaviors. The district shall report 24037
the following information regarding such programs, services, and 24038
supports for each building operated by the district and for each 24039
of grades kindergarten through twelve served by the building: 24040

(1) Curriculum and instruction provided during the school 24041
day; 24042

(2) Programs and supports provided outside of the 24043
classroom or outside of the school day; 24044

(3) Professional development for teachers, administrators, 24045
and other staff; 24046

(4) Partnerships with community coalitions and 24047
organizations to provide prevention services and resources to 24048
students and their families; 24049

(5) School efforts to engage parents and the community; 24050

(6) Activities designed to communicate with and learn from 24051
other schools or professionals with expertise in prevention 24052
education. 24053

(B) The department may use information reported under this section, and any other information collected by the department pursuant to law, as a factor in the distribution of any funding available for prevention-focused programs, services, and supports.

Sec. 3313.6027. Subject to divisions (D) to (F) of section 3313.603 of the Revised Code, this section applies to students who enter ninth grade for the first time on or after July 1, 2010, but prior to July 1, 2022.

For students to whom this section applies, each school district and chartered nonpublic school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the ~~state board~~ department of education and workforce under division (A) (1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A) (2) of that section, into one or more existing social studies credits required under division (C) (7) of section 3313.603 of the Revised Code, or into the content of another class, so that every high school student receives instruction in those concepts.

Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no

school district shall require a student to remain in school for 24084
any specific number of semesters or other terms if the student 24085
completes the required curriculum early; 24086

(2) Subject to section 3313.614 of the Revised Code, the 24087
person has met the assessment requirements of division (A) (2) (a) 24088
or (b) of this section, as applicable. 24089

(a) If the person entered the ninth grade prior to July 1, 24090
2014, the person either: 24091

(i) Has attained at least the applicable scores designated 24092
under division (B) (1) of section 3301.0710 of the Revised Code 24093
on all the assessments required by that division unless the 24094
person was excused from taking any such assessment pursuant to 24095
section 3313.532 of the Revised Code or unless division (H) or 24096
(L) of this section applies to the person; 24097

(ii) Has satisfied the alternative conditions prescribed 24098
in section 3313.615 of the Revised Code. 24099

(b) If the person entered the ninth grade on or after July 24100
1, 2014, the person has met the requirement prescribed by 24101
section 3313.618 of the Revised Code, except to the extent that 24102
the person is excused from an assessment prescribed by that 24103
section pursuant to section 3313.532 of the Revised Code or 24104
division (H) or (L) of this section. 24105

(3) The person is not eligible to receive an honors 24106
diploma granted pursuant to division (B) of this section. 24107

Except as provided in divisions (C), (E), (J), and (L) of 24108
this section, no diploma shall be granted under this division to 24109
anyone except as provided under this division. 24110

(B) In lieu of a diploma granted under division (A) of 24111

this section, an honors diploma shall be granted, in accordance 24112
with rules of the ~~state board~~ department of education and 24113
workforce, by any such district board to anyone who accomplishes 24114
all of the following: 24115

(1) Successfully completes the curriculum in any high 24116
school or the individualized education program developed for the 24117
person by any high school pursuant to section 3323.08 of the 24118
Revised Code; 24119

(2) Subject to section 3313.614 of the Revised Code, has 24120
met the assessment requirements of division (B) (2) (a) or (b) of 24121
this section, as applicable. 24122

(a) If the person entered the ninth grade prior to July 1, 24123
2014, the person either: 24124

(i) Has attained at least the applicable scores designated 24125
under division (B) (1) of section 3301.0710 of the Revised Code 24126
on all the assessments required by that division; 24127

(ii) Has satisfied the alternative conditions prescribed 24128
in section 3313.615 of the Revised Code. 24129

(b) If the person entered the ninth grade on or after July 24130
1, 2014, the person has met the requirement prescribed under 24131
section 3313.618 of the Revised Code. 24132

(3) Has met additional criteria established by the ~~state-~~ 24133
~~board~~ department for the granting of such a diploma. 24134

An honors diploma shall not be granted to a student who is 24135
subject to the requirements prescribed in division (C) of 24136
section 3313.603 of the Revised Code but elects the option of 24137
division (D) or (F) of that section. Except as provided in 24138
divisions (C), (E), and (J) of this section, no honors diploma 24139

shall be granted to anyone failing to comply with this division 24140
and no more than one honors diploma shall be granted to any 24141
student under this division. 24142

The ~~state board~~ department shall adopt rules prescribing 24143
the granting of honors diplomas under this division. These rules 24144
may prescribe the granting of honors diplomas that recognize a 24145
student's achievement as a whole or that recognize a student's 24146
achievement in one or more specific subjects or both. The rules 24147
may prescribe the granting of an honors diploma recognizing 24148
technical expertise for a career-technical student. In any case, 24149
the rules shall designate two or more criteria for the granting 24150
of each type of honors diploma the board establishes under this 24151
division and the number of such criteria that must be met for 24152
the granting of that type of diploma. The number of such 24153
criteria for any type of honors diploma shall be at least one 24154
less than the total number of criteria designated for that type 24155
and no one or more particular criteria shall be required of all 24156
persons who are to be granted that type of diploma. 24157

(C) Any district board administering any of the 24158
assessments required by section 3301.0710 of the Revised Code to 24159
any person requesting to take such assessment pursuant to 24160
division (B) (8) (b) of section 3301.0711 of the Revised Code 24161
shall award a diploma to such person if the person attains at 24162
least the applicable scores designated under division (B) (1) of 24163
section 3301.0710 of the Revised Code on all the assessments 24164
administered and if the person has previously attained the 24165
applicable scores on all the other assessments required by 24166
division (B) (1) of that section or has been exempted or excused 24167
from attaining the applicable score on any such assessment 24168
pursuant to division (H) or (L) of this section or from taking 24169
any such assessment pursuant to section 3313.532 of the Revised 24170

Code. 24171

(D) Each diploma awarded under this section shall be 24172
signed by the president and treasurer of the issuing board, the 24173
superintendent of schools, and the principal of the high school. 24174
Each diploma shall bear the date of its issue, be in such form 24175
as the district board prescribes, and be paid for out of the 24176
district's general fund. 24177

(E) A person who is a resident of Ohio and is eligible 24178
under ~~state board of education~~ the minimum standards of the 24179
director of education and workforce to receive a high school 24180
diploma based in whole or in part on credits earned while an 24181
inmate of a correctional institution operated by the state or 24182
any political subdivision thereof, shall be granted such diploma 24183
by the correctional institution operating the programs in which 24184
such credits were earned, and by the board of education of the 24185
school district in which the inmate resided immediately prior to 24186
the inmate's placement in the institution. The diploma granted 24187
by the correctional institution shall be signed by the director 24188
of the institution, and by the person serving as principal of 24189
the institution's high school and shall bear the date of issue. 24190

(F) Persons who are not residents of Ohio but who are 24191
inmates of correctional institutions operated by the state or 24192
any political subdivision thereof, and who are eligible under 24193
~~state board of education~~ the minimum standards of the director 24194
to receive a high school diploma based in whole or in part on 24195
credits earned while an inmate of the correctional institution, 24196
shall be granted a diploma by the correctional institution 24197
offering the program in which the credits were earned. The 24198
diploma granted by the correctional institution shall be signed 24199
by the director of the institution and by the person serving as 24200

principal of the institution's high school and shall bear the 24201
date of issue. 24202

(G) The ~~state board of education~~ department shall provide 24203
by rule for the administration of the assessments required by 24204
sections 3301.0710 and 3301.0712 of the Revised Code to inmates 24205
of correctional institutions. 24206

(H) Any person to whom all of the following apply shall be 24207
exempted from attaining the applicable score on the assessment 24208
in social studies designated under division (B)(1) of section 24209
3301.0710 of the Revised Code, any American history end-of- 24210
course examination and any American government end-of-course 24211
examination required under division (B) of section 3301.0712 of 24212
the Revised Code if such an exemption is prescribed by rule of 24213
the ~~state board~~ department under division (D) (3) of section 24214
3301.0712 of the Revised Code, or the test in citizenship 24215
designated under former division (B) of section 3301.0710 of the 24216
Revised Code as it existed prior to September 11, 2001: 24217

(1) The person is not a citizen of the United States; 24218

(2) The person is not a permanent resident of the United 24219
States; 24220

(3) The person indicates no intention to reside in the 24221
United States after the completion of high school. 24222

(I) Notwithstanding division (D) of section 3311.19 and 24223
division (D) of section 3311.52 of the Revised Code, this 24224
section and section 3313.611 of the Revised Code do not apply to 24225
the board of education of any joint vocational school district 24226
or any cooperative education school district established 24227
pursuant to divisions (A) to (C) of section 3311.52 of the 24228
Revised Code. 24229

(J) Upon receipt of a notice under division (D) of section 3325.08 or division (D) of section 3328.25 of the Revised Code that a student has received a diploma under either section, the board of education receiving the notice may grant a high school diploma under this section to the student, except that such board shall grant the student a diploma if the student meets the graduation requirements that the student would otherwise have had to meet to receive a diploma from the district. The diploma granted under this section shall be of the same type the notice indicates the student received under section 3325.08 or 3328.25 of the Revised Code.

(K) As used in this division, "English learner" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code.

Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 of the Revised Code, shall be awarded a diploma under this section.

(L) (1) Any student described by division (A) (1) of this section who is subject to divisions (A) (1) to (3) of section 3313.618 of the Revised Code may be awarded a diploma without meeting the requirements prescribed by those divisions provided an individualized education program specifically exempts the student from meeting such requirement. This division does not negate the requirement for a student to take the assessments prescribed by section 3301.0710 or under division (B) of section 3301.0712 of the Revised Code, or alternate assessments required

by division (C) (1) of section 3301.0711 of the Revised Code, for 24260
the purpose of assessing student progress as required by federal 24261
law. 24262

(2) Any student described by division (A) (1) of this 24263
section who is subject to division (B) of section 3313.618 of 24264
the Revised Code may be awarded a diploma without meeting the 24265
requirement prescribed by division (B) (1) of that section 24266
provided the student's individualized education program 24267
specifically exempts the student from meeting that requirement 24268
and either division (L) (2) (a) or (b) of this section applies to 24269
the student, as follows: 24270

(a) (i) The student took an alternate assessment in 24271
mathematics and English language arts administered to the 24272
student in accordance with division (C) (1) of section 3301.0711 24273
of the Revised Code and failed to attain a score established by 24274
the ~~state board~~ department on one or both assessments. 24275

(ii) The school district offered remedial support to the 24276
student in each subject area in which the student did not attain 24277
the established score and the student received that support. 24278

(iii) The student retook each alternate assessment in 24279
which the student did not attain the established score and the 24280
student did not attain the established score on the retake 24281
assessment. 24282

(b) (i) The student took the Algebra I and English language 24283
arts II end-of-course examinations and failed to attain the 24284
competency score as determined under division (B) (10) of section 24285
3301.0712 of the Revised Code on one or both examinations. 24286

(ii) The school district offered remedial support to the 24287
student in each subject area in which the student did not attain 24288

the competency score and the student received that support.	24289
(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination.	24290 24291 24292
Sec. 3313.611. (A) The state board <u>department</u> of education <u>and workforce</u> shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:	24293 24294 24295 24296 24297 24298 24299
(1) Work experiences or experiences as a volunteer;	24300
(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;	24301 24302 24303
(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;	24304 24305 24306 24307
(4) Other life experiences considered by the board to provide knowledge and learning experiences comparable to that gained in a classroom setting.	24308 24309 24310
(B) The board of education of any city, exempted village, or local school district that operates a high school shall grant a diploma of adult education to any applicant if all of the following apply:	24311 24312 24313 24314
(1) The applicant is a resident of the district;	24315
(2) The applicant is over the age of twenty-one and has	24316

not been issued a diploma as provided in section 3313.61 of the Revised Code; 24317
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(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B) (3) (a) or (b) of this section, as applicable. 24319
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(a) Prior to July 1, 2014, the applicant either: 24322

(i) Has attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code; 24323
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(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 24330
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(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code. 24332
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(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the district for graduation. 24338
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(C) If a district board determines that an applicant is not eligible for a diploma under division (B) of this section, 24344
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it shall inform the applicant of the reason the applicant is 24346
ineligible and shall provide a list of any courses required for 24347
the diploma for which the applicant has not received credit. An 24348
applicant may reapply for a diploma under this section at any 24349
time. 24350

(D) If a district board awards an adult education diploma 24351
under this section, the president and treasurer of the board and 24352
the superintendent of schools shall sign it. Each diploma shall 24353
bear the date of its issuance, be in such form as the district 24354
board prescribes, and be paid for from the district's general 24355
fund, except that the ~~state board~~ department may by rule 24356
prescribe standard language to be included on each diploma. 24357

(E) As used in this division, "English learner" has the 24358
same meaning as in division (C) (3) of section 3301.0711 of the 24359
Revised Code. 24360

Notwithstanding division (C) (3) of section 3301.0711 of 24361
the Revised Code, no English learner who has not either attained 24362
the applicable scores designated under division (B) (1) of 24363
section 3301.0710 of the Revised Code on all the assessments 24364
required by that division, or has not met the requirement 24365
prescribed by section 3313.618 of the Revised Code, shall be 24366
awarded a diploma under this section. 24367

Sec. 3313.612. (A) No nonpublic school chartered by the 24368
~~state board~~ director of education and workforce shall grant a 24369
high school diploma to any person unless, subject to section 24370
3313.614 of the Revised Code, the person has met the assessment 24371
requirements of division (A) (1) or (2) of this section, as 24372
applicable. 24373

(1) If the person entered the ninth grade prior to July 1, 24374

2014, the person has attained at least the applicable scores 24375
designated under division (B) (1) of section 3301.0710 of the 24376
Revised Code on all the assessments required by that division, 24377
or has satisfied the alternative conditions prescribed in 24378
section 3313.615 of the Revised Code. 24379

(2) If the person entered the ninth grade on or after July 24380
1, 2014, the person has met the requirement prescribed by 24381
section 3313.618 or 3313.619 of the Revised Code. 24382

(B) This section does not apply to any of the following: 24383

(1) Any person with regard to any assessment from which 24384
the person was excused pursuant to division (C) (1) (c) of section 24385
3301.0711 of the Revised Code; 24386

(2) Except as provided in division (B) (4) of this section, 24387
any person who attends a nonpublic school accredited through the 24388
independent schools association of the central states, except 24389
for a student attending the school under a state scholarship 24390
program as defined in section 3301.0711 of the Revised Code; 24391

(3) Any person with regard to the social studies 24392
assessment under division (B) (1) of section 3301.0710 of the 24393
Revised Code, any American history end-of-course examination and 24394
any American government end-of-course examination required under 24395
division (B) of section 3301.0712 of the Revised Code if such an 24396
exemption is prescribed by rule of the ~~state board~~ department of 24397
education and workforce under division (D) (3) of section 24398
3301.0712 of the Revised Code, or the citizenship test under 24399
former division (B) of section 3301.0710 of the Revised Code as 24400
it existed prior to September 11, 2001, if all of the following 24401
apply: 24402

(a) The person is not a citizen of the United States; 24403

(b) The person is not a permanent resident of the United States; 24404
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(c) The person indicates no intention to reside in the United States after completion of high school. 24406
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(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L) (4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 24408
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(C) As used in this division, "English learner" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code. 24414
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Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 24417
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(D) The ~~state board~~ department shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 24424
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(E) The department ~~of education~~ shall furnish the assessment administered by a nonpublic school pursuant to division (B) (1) of section 3301.0712 of the Revised Code. 24428
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Sec. 3313.614. (A) As used in this section, a person "fulfills the curriculum requirement for a diploma" at the time 24431
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one of the following conditions is satisfied:	24433
(1) The person successfully completes the high school curriculum of a school district, a community school, a chartered nonpublic school, or a correctional institution.	24434 24435 24436
(2) The person successfully completes the individualized education program developed for the person under section 3323.08 of the Revised Code.	24437 24438 24439
(3) A board of education issues its determination under section 3313.611 of the Revised Code that the person qualifies as having successfully completed the curriculum required by the district.	24440 24441 24442 24443
(B) This division specifies the assessment requirements that must be fulfilled as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.	24444 24445 24446 24447
(1) A person who fulfills the curriculum requirement for a diploma before September 15, 2000, is not required to pass any proficiency test or achievement test in science as a condition to receiving a diploma.	24448 24449 24450 24451
(2) A person who began ninth grade for the first time prior to July 1, 2003, is not required to pass the Ohio graduation test prescribed under division (B) (1) of section 3301.0710 or any assessment prescribed under division (B) (2) of that section in any subject as a condition to receiving a diploma once the person has passed the ninth grade proficiency test in the same subject, so long as the person passed the ninth grade proficiency test prior to September 15, 2008. However, any such person who passes the Ohio graduation test in any subject prior to passing the ninth grade proficiency test in the same	24452 24453 24454 24455 24456 24457 24458 24459 24460 24461

subject shall be deemed to have passed the ninth grade 24462
proficiency test in that subject as a condition to receiving a 24463
diploma. For this purpose, the ninth grade proficiency test in 24464
citizenship substitutes for the Ohio graduation test in social 24465
studies. If a person began ninth grade prior to July 1, 2003, 24466
but does not pass a ninth grade proficiency test or the Ohio 24467
graduation test in a particular subject before September 15, 24468
2008, and passage of a test in that subject is a condition for 24469
the person to receive a diploma, the person must pass the Ohio 24470
graduation test instead of the ninth grade proficiency test in 24471
that subject to receive a diploma. 24472

(3) (a) Except as provided in division (B) (3) (b) of this 24473
section, a person who begins ninth grade for the first time on 24474
or after July 1, 2003, in a school district, community school, 24475
or chartered nonpublic school is not eligible to receive a 24476
diploma based on passage of ninth grade proficiency tests. Each 24477
such person who begins ninth grade prior to July 1, 2014, must 24478
pass Ohio graduation tests to meet the assessment requirements 24479
applicable to that person as a condition to receiving a diploma 24480
or satisfy one of the conditions prescribed in division (B) (3) 24481
(b) of this section. 24482

(b) A person who began ninth grade for the first time 24483
prior to July 1, 2014, shall be eligible to receive a diploma if 24484
the person meets the requirement prescribed by section 3313.618 24485
or 3313.619 of the Revised Code. 24486

(c) A person who began ninth grade for the first time 24487
prior to July 1, 2014, and who has not attained at least the 24488
applicable scores designated under division (B) (1) of section 24489
3301.0710 of the Revised Code on all the assessments required by 24490
that division shall be eligible to receive a diploma if the 24491

person meets the requirement prescribed by rule of the ~~state-~~ 24492
~~board department~~ of education and workforce as prescribed under 24493
division (B) (3) (d) of this section. 24494

(d) ~~Not later than December 31, 2015, the state board of~~ 24495
~~education~~ The department shall adopt rules prescribing the 24496
manner in which a person who began ninth grade for the first 24497
time prior to July 1, 2014, may be eligible for a high school 24498
diploma by combining the requirement prescribed by section 24499
3313.618 or 3313.619 of the Revised Code and the requirement to 24500
attain at least the applicable scores designated under division 24501
(B) (1) of section 3301.0710 of the Revised Code on the 24502
assessments required by that division. The rules shall ensure 24503
that the combined requirements require a demonstration of 24504
mastery that is equivalent or greater to the expectations of the 24505
assessments prescribed by division (B) (1) of section 3301.0710 24506
of the Revised Code. The rules shall include the following: 24507

(i) The date by which a person who began ninth grade for 24508
the first time prior to July 1, 2014, may be eligible for a high 24509
school diploma under division (B) (3) (c) of this section; 24510

(ii) Methods of replacing individual assessments 24511
prescribed by division (B) (1) of section 3301.0710 of the 24512
Revised Code; 24513

(iii) Methods of integrating the pathways prescribed by 24514
division (A) of section 3313.618 or section 3313.619 of the 24515
Revised Code. 24516

(4) Except as provided in division (B) (3) (b) of this 24517
section, a person who begins ninth grade on or after July 1, 24518
2014, is not eligible to receive a diploma based on passage of 24519
the Ohio graduation tests. Each such person must meet the 24520

requirement prescribed by section 3313.618 or 3313.619 of the Revised Code. 24521
24522

(C) This division specifies the curriculum requirement 24523
that shall be completed as a condition toward granting high 24524
school diplomas under sections 3313.61, 3313.611, 3313.612, and 24525
3325.08 of the Revised Code. 24526

(1) A person who is under twenty-two years of age when the 24527
person fulfills the curriculum requirement for a diploma shall 24528
complete the curriculum required by the school district or 24529
school issuing the diploma for the first year that the person 24530
originally enrolled in high school, except for a person who 24531
qualifies for graduation from high school under either division 24532
(D) or (F) of section 3313.603 of the Revised Code. 24533

(2) Once a person fulfills the curriculum requirement for 24534
a diploma, the person is never required, as a condition of 24535
receiving a diploma, to meet any different curriculum 24536
requirements that take effect pending the person's passage of 24537
proficiency tests or achievement tests or assessments, including 24538
changes mandated by section 3313.603 of the Revised Code, the- 24539
~~state board department~~, a school district board of education, or 24540
a governing authority of a community school or chartered 24541
nonpublic school. 24542

Sec. 3313.615. This section shall apply to diplomas 24543
awarded after September 15, 2006, to students who are required 24544
to take the five Ohio graduation tests prescribed by division 24545
(B) (1) of section 3301.0710 of the Revised Code. This section 24546
does not apply to any student who enters ninth grade for the 24547
first time on or after July 1, 2014. 24548

(A) As an alternative to the requirement that a person 24549

attain the scores designated under division (B) (1) of section 24550
3301.0710 of the Revised Code on all the assessments required 24551
under that division in order to be eligible for a high school 24552
diploma or an honors diploma under sections 3313.61, 3313.612, 24553
or 3325.08 of the Revised Code or for a diploma of adult 24554
education under section 3313.611 of the Revised Code, a person 24555
who has attained at least the applicable scores designated under 24556
division (B) (1) of section 3301.0710 of the Revised Code on all 24557
but one of the assessments required by that division and from 24558
which the person was not excused or exempted, pursuant to 24559
division (L) of section 3313.61, division (B) (1) of section 24560
3313.612, or section 3313.532 of the Revised Code, may be 24561
awarded a diploma or honors diploma if the person has satisfied 24562
all of the following conditions: 24563

(1) On the one assessment required under division (B) (1) 24564
of section 3301.0710 of the Revised Code for which the person 24565
failed to attain the designated score, the person missed that 24566
score by ten points or less; 24567

(2) Has a ninety-seven per cent school attendance rate in 24568
each of the last four school years, excluding any excused 24569
absences; 24570

(3) Has not been expelled from school under section 24571
3313.66 of the Revised Code in any of the last four school 24572
years; 24573

(4) Has a grade point average of at least 2.5 out of 4.0, 24574
or its equivalent as designated in rules adopted by the ~~state-~~ 24575
~~board~~ department of education and workforce, in the subject area 24576
of the assessment required under division (B) (1) of section 24577
3301.0710 of the Revised Code for which the person failed to 24578
attain the designated score; 24579

(5) Has completed the high school curriculum requirements 24580
prescribed in section 3313.603 of the Revised Code or has 24581
qualified under division (D) or (F) of that section; 24582

(6) Has taken advantage of any intervention programs 24583
provided by the school district or school in the subject area 24584
described in division (A) (4) of this section and has a ninety- 24585
seven per cent attendance rate, excluding any excused absences, 24586
in any of those programs that are provided at times beyond the 24587
normal school day, school week, or school year or has received 24588
comparable intervention services from a source other than the 24589
school district or school; 24590

(7) Holds a letter recommending graduation from each of 24591
the person's high school teachers in the subject area described 24592
in division (A) (4) of this section and from the person's high 24593
school principal. 24594

(B) The ~~state board of education~~ department shall 24595
establish rules designating grade point averages equivalent to 24596
the average specified in division (A) (4) of this section for use 24597
by school districts and schools with different grading systems. 24598

(C) Any student who is exempt from attaining the 24599
applicable score designated under division (B) (1) of section 24600
3301.0710 of the Revised Code on the Ohio graduation test in 24601
social studies pursuant to division (H) of section 3313.61 or 24602
division (B) (3) of section 3313.612 of the Revised Code shall 24603
not qualify for a high school diploma under this section, 24604
unless, notwithstanding the exemption, the student attains the 24605
applicable score on that assessment. If the student attains the 24606
applicable score on that assessment, the student may qualify for 24607
a diploma under this section in the same manner as any other 24608
student who is required to take the five Ohio graduation tests 24609

prescribed by division (B) (1) of section 3301.0710 of the Revised Code. 24610
24611

Sec. 3313.618. (A) In addition to the curriculum 24612
requirements specified by the board of education of a school 24613
district or governing authority of a chartered nonpublic school, 24614
each student entering ninth grade for the first time on or after 24615
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 24616
one of the following conditions or the conditions prescribed 24617
under division (B) of this section in order to qualify for a 24618
high school diploma: 24619

(1) Be remediation-free, in accordance with standards 24620
adopted under division (F) of section 3345.061 of the Revised 24621
Code, on each of the nationally standardized assessments in 24622
English, mathematics, and reading; 24623

(2) Attain a score specified under division (B) (5) (c) of 24624
section 3301.0712 of the Revised Code on the end-of-course 24625
examinations prescribed under division (B) of section 3301.0712 24626
of the Revised Code. 24627

(3) Attain a score that demonstrates workforce readiness 24628
and employability on a nationally recognized job skills 24629
assessment selected by the ~~state board~~ department of education_ 24630
and workforce under division ~~(G)~~ (F) of section 3301.0712 of the 24631
Revised Code and obtain either an industry-recognized credential 24632
or a license issued by a state agency or board for practice in a 24633
vocation that requires an examination for issuance of that 24634
license. 24635

For the purposes of this division, the industry-recognized 24636
credentials and licenses shall be as approved under section 24637
3313.6113 of the Revised Code. 24638

A student may choose to qualify for a high school diploma 24639
by satisfying any of the separate requirements prescribed by 24640
divisions (A) (1) to (3) of this section. If the student's school 24641
district or school does not administer the examination 24642
prescribed by one of those divisions that the student chooses to 24643
take to satisfy the requirements of this section, the school 24644
district or school may require that student to arrange for the 24645
applicable scores to be sent directly to the district or school 24646
by the company or organization that administers the examination. 24647

(B) In addition to the curriculum requirements specified 24648
by the district board or school governing authority, each 24649
student entering ninth grade for the first time on or after July 24650
1, 2019, shall satisfy the following conditions in order to 24651
qualify for a high school diploma: 24652

(1) Attain a competency score as determined under division 24653
(B) (10) of section 3301.0712 of the Revised Code on each of the 24654
Algebra I and English language arts II end-of-course 24655
examinations prescribed under division (B) (2) of section 24656
3301.0712 of the Revised Code. 24657

School districts and chartered nonpublic schools shall 24658
offer remedial support to any student who fails to attain a 24659
competency score on one or both of the Algebra I and English 24660
language arts II end-of-course examinations. 24661

Following the first administration of the exam, if a 24662
student fails to attain a competency score on one or both of the 24663
Algebra I and English language arts II end-of-course 24664
examinations that student must retake the respective examination 24665
at least once. 24666

If a student fails to attain a competency score on a 24667

retake examination, the student may demonstrate competency in 24668
the failed subject area through one of the following options: 24669

(a) Earn course credit taken through the college credit 24670
plus program established under Chapter 3365. of the Revised Code 24671
in the failed subject area; 24672

(b) Complete two of the following options, one of which 24673
must be foundational: 24674

(i) Foundational options to demonstrate competency, which 24675
include earning a cumulative score of proficient or higher on 24676
three or more state technical assessments aligned with section 24677
3313.903 of the Revised Code in a single career pathway, 24678
obtaining an industry-recognized credential, or group of 24679
credentials, approved under section 3313.6113 of the Revised 24680
Code that is at least equal to the total number of points 24681
established under that section to qualify for a high school 24682
diploma, obtaining a license approved under section 3313.6113 of 24683
the Revised Code that is issued by a state agency or board for 24684
practice in a vocation that requires an examination for issuance 24685
of that license, completing a pre-apprenticeship aligned with 24686
options established under section 3313.904 of the Revised Code 24687
in the student's chosen career field, completing an 24688
apprenticeship registered with the apprenticeship council 24689
established under section 4139.02 of the Revised Code in the 24690
student's chosen career field, or providing evidence of 24691
acceptance into an apprenticeship program after high school that 24692
is restricted to participants eighteen years of age or older; 24693

(ii) Supporting options to demonstrate competency, which 24694
include completing two hundred fifty hours of a work-based 24695
learning experience with evidence of positive evaluations, 24696
obtaining an OhioMeansJobs-readiness seal under section 24697

3313.6112 of the Revised Code, or attaining a workforce 24698
readiness score, as determined by the department ~~of education,~~ 24699
on the nationally recognized job skills assessment selected by 24700
the ~~state board~~ department under division ~~(G)~~ (F) of section 24701
3301.0712 of the Revised Code. 24702

(c) Provide evidence that the student has enlisted in a 24703
branch of the armed services of the United States as defined in 24704
section 5910.01 of the Revised Code. 24705

(d) Be remediation-free, in accordance with standards 24706
adopted under division (F) of section 3345.061 of the Revised 24707
Code, in the failed subject area on a nationally standardized 24708
assessment prescribed under division (B) (1) of section 3301.0712 24709
of the Revised Code. For English language arts II, a student 24710
must be remediation-free in the subjects of English and reading 24711
on the nationally standardized assessment. 24712

Subject to division (L) (2) of section 3313.61 of the 24713
Revised Code, for any students receiving special education and 24714
related services under Chapter 3323. of the Revised Code, the 24715
individualized education program developed for the student under 24716
that chapter shall specify the manner in which the student will 24717
participate in the assessments administered under this division 24718
or an alternate assessment in accordance with division (C) (1) of 24719
section 3301.0711 of the Revised Code. 24720

(2) Earn at least two of the state diploma seals 24721
prescribed under division (A) of section 3313.6114 of the 24722
Revised Code, at least one of which shall be any of the 24723
following: 24724

(a) The state seal of biliteracy established under section 24725
3313.6111 of the Revised Code; 24726

(b) The OhioMeansJobs-readiness seal established under 24727
section 3313.6112 of the Revised Code; 24728

(c) One of the state diploma seals established under 24729
divisions (C) (1) to (7) of section 3313.6114 of the Revised 24730
Code. 24731

(C) (1) A student who transfers into an Ohio public or 24732
chartered nonpublic high school from another state or enrolls in 24733
such a high school after receiving home ~~instruction~~ education or 24734
attending a nonchartered, nontax-supported school in the 24735
previous school year shall meet the requirements of division (B) 24736
or (D) of this section, as applicable, in order to qualify for a 24737
high school diploma. However, any student subject to division 24738
(B) of this section who transfers or enrolls after the start of 24739
the student's twelfth grade year and fails to attain a 24740
competency score on the Algebra I or English language arts II 24741
end-of-course examination shall not be required to retake the 24742
applicable examination prior to demonstrating competency in the 24743
failed subject area under the options prescribed in divisions 24744
(B) (1) (a) to (d) of this section. 24745

(2) The department shall prescribe standards that allow a 24746
transfer student who, prior to the student's transfer, took an 24747
assessment described in division (B) (1) or (2) of section 24748
3301.0712 or section 3313.619 of the Revised Code to apply the 24749
score from that assessment towards graduation requirements at 24750
the student's new public or chartered nonpublic school. 24751

(D) Notwithstanding division (B) of this section, in 24752
addition to the curriculum requirements specified by the school 24753
governing authority, a chartered nonpublic school student 24754
subject to division (L) (3) (a) (ii) of section 3301.0711 of the 24755
Revised Code entering ninth grade for the first time on or after 24756

July 1, 2019, shall qualify for a high school diploma if the 24757
student earns a remediation-free score in the areas of English, 24758
mathematics, and reading, in accordance with standards adopted 24759
under division (F) of section 3345.061 of the Revised Code, on a 24760
nationally standardized assessment prescribed under division (B) 24761
(1) of section 3301.0712 of the Revised Code. No such student 24762
shall be required to take the Algebra I or English language arts 24763
II end-of-course examination or earn diploma seals under this 24764
section. 24765

(E) The ~~state board of education~~ department shall not 24766
create or require any additional assessment for the granting of 24767
any type of high school diploma other than as prescribed by this 24768
section. Except as provided in sections 3313.6111, 3313.6112, 24769
and 3313.6114 of the Revised Code, the ~~state board~~ department or 24770
the ~~superintendent of public instruction~~ director of education 24771
and workforce shall not create any endorsement or designation 24772
that may be affiliated with a high school diploma. 24773

Sec. 3313.619. (A) In lieu of the assessment requirements 24774
prescribed by division (A) of section 3313.618 of the Revised 24775
Code or the requirements to demonstrate competency and earn 24776
diploma seals prescribed by division (B) of that section, a 24777
chartered nonpublic school may grant a high school diploma to a 24778
student who attains at least the designated score on an 24779
assessment approved by the department of education and workforce 24780
under division (B) of this section and selected by the school's 24781
governing authority. 24782

(B) For purposes of division (A) of this section, the 24783
department shall approve assessments that meet the conditions 24784
specified under division (C) of this section and shall designate 24785
passing scores for each of those assessments. 24786

(C) Each assessment approved under division (B) of this section shall be nationally norm-referenced, have internal consistency reliability coefficients of at least "0.8," be standardized, have specific evidence of content, concurrent, or criterion validity, have evidence of norming studies in the previous ten years, have a measure of student achievement in core academic areas, and have high validity evidenced by the alignment of the assessment with nationally recognized content.

(D) Nothing in this section shall prohibit a chartered nonpublic school from granting a high school diploma to a student if the student satisfies the applicable requirements prescribed by section 3313.618 of the Revised Code.

Sec. 3313.6110. (A) A person who has completed the final year of instruction at home, as authorized under section ~~3321.04~~ 3321.042 of the Revised Code, and has successfully fulfilled the high school curriculum applicable to that person may be granted a high school diploma by the person's parent, guardian, or other person having charge or care of a child, as defined in division (A) (1) of section 3321.01 of the Revised Code.

~~(B) Beginning with diplomas issued on or after July 1, 2015, each diploma granted under division (A) of this section shall be accompanied by the official letter of excuse issued by the district superintendent for the student's final year of home education.~~

~~(C)~~ A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school.

~~(D)~~ (C) Notwithstanding anything in the Revised Code to

the contrary, a diploma granted under this section shall serve 24816
as proof of the successful completion of that person's 24817
applicable high school curriculum and satisfactory to fulfill 24818
any legal requirement to show such proof. 24819

~~(E)~~ (D) For the purposes of an application for employment, 24820
a diploma granted under this section shall be considered proof 24821
of completion of a high school education, regardless of whether 24822
the person to which the diploma was granted participated in the 24823
assessments prescribed by division (A) (1) or (B) (1) or (2) of 24824
section 3301.0710 and section 3301.0712 of the Revised Code. 24825

~~(F)~~ (E) A diploma granted under division (A) of this 24826
section may include a state seal of biliteracy, an 24827
OhioMeansJobs-readiness seal, or a state diploma seal that may 24828
be assigned to the student's diploma, by the parent, guardian, 24829
or other person having charge or care of the student, in the 24830
same manner as prescribed for diplomas and transcripts issued by 24831
school districts and chartered nonpublic schools under sections 24832
3313.6111, 3113.6112, and 3313.6114 of the Revised Code. 24833

Sec. 3313.6111. (A) The ~~state board~~ department of 24834
education and workforce shall establish the state seal of 24835
biliteracy, which may be attached or affixed to the high school 24836
transcript of a student enrolled in a public or chartered 24837
nonpublic school. The state seal of biliteracy shall demonstrate 24838
the attainment of a high level of proficiency by a graduate of a 24839
public or chartered nonpublic high school in one or more 24840
languages in addition to English, sufficient for meaningful use 24841
in college and a career. The purpose of the state seal of 24842
biliteracy shall be to: 24843

(1) Encourage students to study languages; 24844

(2) Certify the attainment of biliteracy;	24845
(3) Provide employers with a method of identifying individuals with language and biliteracy skills;	24846 24847
(4) Provide institutions of higher education with an additional method to recognize applicants for admission;	24848 24849
(5) Prepare students with twenty-first century skills;	24850
(6) Recognize the value of foreign language and native language instruction in public schools; and	24851 24852
(7) Strengthen inter-group relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.	24853 24854 24855
(B) (1) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school may attach or affix the state seal of biliteracy to the transcript of a student enrolled in the school who meets the requirements prescribed under division (C) (1) of this section. A district or school shall not be required to attach or affix the state seal of biliteracy on the transcript of a student enrolled in the school.	24856 24857 24858 24859 24860 24861 24862 24863 24864 24865
(2) Each school district, community school, STEM school, college-preparatory boarding school, and chartered nonpublic school shall maintain appropriate records to identify students who have completed the requirements for earning a state seal of biliteracy as prescribed under division (C) (1) of this section, and if the district or school has a policy of attaching or affixing the state seal of biliteracy to student transcripts, the district or school shall make the appropriate designation on	24866 24867 24868 24869 24870 24871 24872 24873

the transcript of a student who completes the requirements. 24874

(C) The ~~state board of education~~ department shall do the 24875
following: 24876

(1) Establish the requirements and criteria for earning a 24877
state seal of biliteracy, including assessments of foreign 24878
language and English proficiency. 24879

(2) ~~Direct the department of education to prepare~~ Prepare 24880
and deliver to participating school districts, community 24881
schools, STEM schools, college-preparatory boarding schools, and 24882
chartered nonpublic schools an appropriate mechanism for 24883
assigning a state seal of biliteracy on a student's transcript 24884
indicating that the student has been assigned the seal; 24885

(3) ~~Direct the department to provide~~ Provide any other 24886
information ~~the state board~~ it considers necessary for school 24887
districts, community schools, STEM schools, college-preparatory 24888
boarding schools, and chartered nonpublic schools to participate 24889
in the assigning of a state seal of biliteracy; 24890

(4) Adopt rules in accordance with Chapter 119. of the 24891
Revised Code to implement the provisions of this section. 24892

(D) A student shall not be charged a fee to be assigned a 24893
state seal of biliteracy on their transcript. A student may be 24894
required to pay a fee to demonstrate proficiency in a language, 24895
including the cost of a standardized test to determine 24896
proficiency in a language. 24897

(E) As used in this section, "foreign language" refers to 24898
any language other than English, including modern languages, 24899
Latin, American sign language, native American languages, and 24900
native languages. 24901

Sec. 3313.6112. (A) The ~~superintendent of public~~ 24902
~~instruction~~ department of education and workforce, in 24903
consultation with the chancellor of higher education and the 24904
governor's office of workforce transformation, shall establish 24905
the OhioMeansJobs-readiness seal, which may be attached or 24906
affixed to the high school diploma and transcript of a student 24907
enrolled in a public or chartered nonpublic school. 24908

(B) A school district, community school established under 24909
Chapter 3314. of the Revised Code, STEM school established under 24910
Chapter 3326. of the Revised Code, college-preparatory boarding 24911
school established under Chapter 3328. of the Revised Code, or 24912
chartered nonpublic school shall attach or affix the 24913
OhioMeansJobs-readiness seal to the diploma and transcript of a 24914
student enrolled in the school who meets the requirements 24915
prescribed under division (C)(1) of this section. 24916

(C) The ~~state superintendent~~ department of education and 24917
workforce, in consultation with the chancellor and the 24918
governor's office of workforce transformation, shall do the 24919
following: 24920

(1) Establish the requirements and criteria for earning an 24921
OhioMeansJobs-readiness seal, including demonstration of work- 24922
readiness and work ethic competencies such as teamwork, problem- 24923
solving, reliability, punctuality, and computer technology 24924
competency; 24925

(2) Develop a standardized form for students to complete 24926
and have validated prior to graduation by at least three 24927
individuals, each of whom must be an employer, teacher, business 24928
mentor, community leader, faith-based leader, school leader, or 24929
coach of the student; 24930

(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal;

(4) Provide any other information the ~~state superintendent~~ department considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools to assign an OhioMeansJobs-readiness seal.

(D) A student shall not be charged a fee to be assigned an OhioMeansJobs-readiness seal on the student's diploma and transcript.

Sec. 3313.6113. (A) The ~~superintendent of public instruction~~ director of education and workforce, in collaboration with the governor's office of workforce transformation and representatives of business organizations, shall establish a committee to develop a list of industry-recognized credentials and licenses that may be used to qualify for a high school diploma under section 3313.618 of the Revised Code and shall be used for state report card purposes under section 3302.03 of the Revised Code. ~~The state superintendent shall appoint the members of the committee not later than January 1, 2018.~~

(B) The committee shall do the following:

(1) Establish criteria for acceptable industry-recognized credentials and licenses aligned with the in-demand jobs list published by the department of job and family services;

(2) Review the list of industry-recognized credentials and

licenses that was in existence on January 1, 2018, and update 24960
the list as it considers necessary; 24961

(3) Review and update the list of industry-recognized 24962
credentials and licenses at least biennially; 24963

(4) Assign a point value for each industry-recognized 24964
credential and establish the total number of points for 24965
industry-recognized credentials that a student must earn to 24966
qualify for a high school diploma under sections 3313.618 and 24967
3313.6114 of the Revised Code; 24968

(5) Update the list of industry-recognized credentials to 24969
include a driver's license obtained by a student through a 24970
driver education course offered by a school district in 24971
accordance with section 3301.17 of the Revised Code. 24972

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and 24973
(D) (1) (j) (v) of section 3302.03 of the Revised Code, the 24974
department of education and workforce shall include only those 24975
students who earn an industry-recognized credential, or group of 24976
credentials, at least equal to the total number of points 24977
established by the committee under this section to qualify for a 24978
high school diploma. 24979

Sec. 3313.6114. (A) The ~~state board~~ department of 24980
education and workforce shall establish a system of state 24981
diploma seals for the purposes of allowing a student to qualify 24982
for graduation under section 3313.618 of the Revised Code. State 24983
diploma seals may be attached or affixed to the high school 24984
diploma of a student enrolled in a public or chartered nonpublic 24985
school. The system of state diploma seals shall consist of all 24986
of the following: 24987

(1) The state seal of biliteracy established under section 24988

3313.6111 of the Revised Code;	24989
(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;	24990 24991
(3) The state diploma seals prescribed under division (C) of this section.	24992 24993
(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the state seals prescribed under division (C) of this section to the diploma and transcript of a student enrolled in the district or school who meets the requirements established under that division.	24994 24995 24996 24997 24998 24999 25000 25001
(C) The state board <u>department</u> shall establish all of the following state diploma seals:	25002 25003
(1) An industry-recognized credential seal. A student shall meet the requirement for this seal by doing either of the following:	25004 25005 25006
(a) Earning an industry-recognized credential, or group of credentials, approved under section 3313.6113 of the Revised Code that is both of the following:	25007 25008 25009
(i) At least equal to the total number of points established under section 3313.6113 of the Revised Code to qualify for a high school diploma;	25010 25011 25012
(ii) Aligned to a job that is determined to be in demand in this state and its regions under section 6301.11 of the Revised Code.	25013 25014 25015
(b) Obtaining a license approved under section 3313.6113	25016

of the Revised Code that is issued by a state agency or board 25017
for practice in a vocation that requires an examination for 25018
issuance of that license. 25019

(2) A college-ready seal. A student shall meet the 25020
requirement for this seal by attaining a score that is 25021
remediation-free, in accordance with standards adopted under 25022
division (F) of section 3345.061 of the Revised Code, on a 25023
nationally standardized assessment prescribed under division (B) 25024
(1) of section 3301.0712 of the Revised Code. 25025

(3) A military enlistment seal. A student shall meet the 25026
requirement for this seal by doing either of the following: 25027

(a) Providing evidence that the student has enlisted in a 25028
branch of the armed services of the United States as defined in 25029
section 5910.01 of the Revised Code; 25030

(b) Participating in a junior reserve officer training 25031
program approved by the congress of the United States under 25032
title 10 of the United States Code. 25033

(4) A citizenship seal. A student shall meet the 25034
requirement for this seal by doing any of the following: 25035

(a) Demonstrating at least a proficient level of skill as 25036
prescribed under division (B) (5) (a) of section 3301.0712 of the 25037
Revised Code on both the American history and American 25038
government end-of-course examinations prescribed under division 25039
(B) (2) of section 3301.0712 of the Revised Code; 25040

(b) Attaining a score level prescribed under division (B) 25041
(5) (d) of section 3301.0712 of the Revised Code that is at least 25042
the equivalent of a proficient level of skill in appropriate 25043
advanced placement or international baccalaureate examinations 25044
in lieu of the American history and American government end-of- 25045

course examinations; 25046

(c) In lieu of the American history and American 25047
government end-of-course examinations, attaining a final course 25048
grade that is the equivalent of a "B" or higher in either: 25049

(i) An American history course and an American government 25050
course that are offered by the student's high school; 25051

(ii) Appropriate courses taken through the college credit 25052
plus program established under Chapter 3365. of the Revised 25053
Code. 25054

(d) In the case of a student who takes an alternate 25055
assessment in accordance with division (C)(1) of section 25056
3301.0711 of the Revised Code, attaining a score established by 25057
the ~~state board~~ department on the alternate assessment in social 25058
studies; 25059

(e) In the case of a student who transfers into an Ohio 25060
public or chartered nonpublic high school from another state or 25061
who enrolls in an Ohio public or chartered nonpublic high school 25062
after receiving home ~~instruction~~ education or attending a 25063
nonchartered, nontax-supported school in the previous school 25064
year, attaining a final course grade that is the equivalent of a 25065
"B" or higher in courses that correspond with the American 25066
history and American government end-of-course examinations and 25067
that the student completed in the state from which the student 25068
transferred or completed while receiving home ~~instruction~~ 25069
education or attending a nonchartered, nontax-supported school. 25070
Division (C)(4)(e) of this section does not apply to any such 25071
student with respect to an American history or American 25072
government course for which an end-of-course examination is 25073
associated that the student takes after enrolling in the high 25074

school.	25075
(5) A science seal. A student shall meet the requirement	25076
for this seal by doing any of the following:	25077
(a) Demonstrating at least a proficient level of skill as	25078
prescribed under division (B) (5) (a) of section 3301.0712 of the	25079
Revised Code on the science end-of-course examination prescribed	25080
under division (B) (2) of section 3301.0712 of the Revised Code;	25081
(b) Attaining a score level prescribed under division (B)	25082
(5) (d) of section 3301.0712 of the Revised Code that is at least	25083
the equivalent of a proficient level of skill in an appropriate	25084
advanced placement or international baccalaureate examination in	25085
lieu of the science end-of-course examination;	25086
(c) In lieu of the science end-of-course examination,	25087
attaining a final course grade that is the equivalent of a "B"	25088
or higher in either:	25089
(i) A science course listed in divisions (C) (5) (c) (i) to	25090
(iii) of section 3313.603 of the Revised Code that is offered by	25091
the student's high school;	25092
(ii) An appropriate course taken through the college	25093
credit plus program established under Chapter 3365. of the	25094
Revised Code.	25095
(d) In the case of a student who takes an alternate	25096
assessment in accordance with division (C) (1) of section	25097
3301.0711 of the Revised Code, attaining a score established by	25098
the state board <u>department</u> on the alternate assessment in	25099
science;	25100
(e) In the case of a student who transfers into an Ohio	25101
public or chartered nonpublic high school from another state or	25102

enrolls in an Ohio public or chartered nonpublic high school 25103
after receiving home ~~instruction-education~~ or attending a 25104
nonchartered, nontax-supported school in the previous school 25105
year, attaining a final course grade that is the equivalent of a 25106
"B" or higher in a course that corresponds with the science end- 25107
of-course examination and that the student completed in the 25108
state from which the student transferred or completed while 25109
receiving home instruction or attending a nonchartered, nontax- 25110
supported school. Division (C) (5) (e) of this section does not 25111
apply to any such student who takes a science course for which 25112
an end-of-course examination is associated after enrolling in 25113
the high school. 25114

(6) An honors diploma seal. A student shall meet the 25115
requirement for this seal by meeting the additional criteria for 25116
an honors diploma under division (B) of section 3313.61 of the 25117
Revised Code. 25118

(7) A technology seal. A student shall meet the 25119
requirement for this seal by doing any of the following: 25120

(a) Subject to division (B) (5) (d) of section 3301.0712 of 25121
the Revised Code, attaining a score level that is at least the 25122
equivalent of a proficient level of skill in an appropriate 25123
advanced placement or international baccalaureate examination; 25124

(b) Attaining a final course grade that is the equivalent 25125
of a "B" or higher in an appropriate course taken through the 25126
college credit plus program established under Chapter 3365. of 25127
the Revised Code; 25128

(c) Completing a course offered through the student's 25129
district or school that meets guidelines developed by the 25130
~~department-of-education~~. However, a district or school shall not 25131

be required to offer a course that meets those guidelines- 25132
~~developed by the department.~~ 25133

(d) In the case of a student who transfers into an Ohio 25134
public or chartered nonpublic high school from another state or 25135
enrolls in an Ohio public or chartered nonpublic high school 25136
after receiving home ~~instruction-education~~ or attending a 25137
nonchartered, nontax-supported school in the previous school 25138
year, attaining a final course grade that is the equivalent of a 25139
"B" or higher in an appropriate course, as determined by the 25140
district or school, that the student completed in the state from 25141
which the student transferred or completed while receiving home 25142
~~instruction-education~~ or attending a nonchartered, nontax- 25143
supported school. 25144

(8) A community service seal. A student shall meet the 25145
requirement for this seal by completing a community service 25146
project that is aligned with guidelines adopted by the student's 25147
district board or school governing authority. 25148

(9) A fine and performing arts seal. A student shall meet 25149
the requirement for this seal by demonstrating skill in the fine 25150
or performing arts according to an evaluation that is aligned 25151
with guidelines adopted by the student's district board or 25152
school governing authority. 25153

(10) A student engagement seal. A student shall meet the 25154
requirement for this seal by participating in extracurricular 25155
activities such as athletics, clubs, or student government to a 25156
meaningful extent, as determined by guidelines adopted by the 25157
student's district board or school governing authority. 25158

(D) (1) Each district or school shall develop guidelines 25159
for at least one of the state seals prescribed under divisions 25160

(C) (8) to (10) of this section. 25161

(2) For the purposes of determining whether a student who 25162
transfers to a district or school has satisfied the state 25163
diploma seal requirement under division (B) (2) of section 25164
3313.618 of the Revised Code, each district or school shall 25165
recognize a state diploma seal prescribed under divisions (C) (8) 25166
to (10) of this section and earned by a student at another 25167
district or a different public or chartered nonpublic school 25168
regardless of whether the district or school to which the 25169
student transfers has developed guidelines under this section 25170
for that state seal. 25171

(3) In guidelines developed for a state diploma seal 25172
prescribed under divisions (C) (8) to (10) of this section, each 25173
district or school shall include a method to give, to the extent 25174
feasible, a student who transfers into the district or school a 25175
proportional amount of credit for any progress the student was 25176
making toward earning that state seal at the school district or 25177
different public or chartered nonpublic school from which the 25178
student transfers. 25179

(E) Each district or school shall maintain appropriate 25180
records to identify students who have met the requirements 25181
prescribed under division (C) of this section for earning the 25182
state seals established under that division. 25183

(F) The department shall prepare and deliver to each 25184
district or school an appropriate mechanism for assigning a 25185
state diploma seal established under division (C) of this 25186
section. 25187

(G) A student shall not be charged a fee to be assigned a 25188
state seal prescribed under division (C) of this section on the 25189

student's diploma and transcript. 25190

Sec. 3313.64. (A) As used in this section and in section 25191
3313.65 of the Revised Code: 25192

(1) (a) Except as provided in division (A) (1) (b) of this 25193
section, "parent" means either parent, unless the parents are 25194
separated or divorced or their marriage has been dissolved or 25195
annulled, in which case "parent" means the parent who is the 25196
residential parent and legal custodian of the child. When a 25197
child is in the legal custody of a government agency or a person 25198
other than the child's natural or adoptive parent, "parent" 25199
means the parent with residual parental rights, privileges, and 25200
responsibilities. When a child is in the permanent custody of a 25201
government agency or a person other than the child's natural or 25202
adoptive parent, "parent" means the parent who was divested of 25203
parental rights and responsibilities for the care of the child 25204
and the right to have the child live with the parent and be the 25205
legal custodian of the child and all residual parental rights, 25206
privileges, and responsibilities. 25207

(b) When a child is the subject of a power of attorney 25208
executed under sections 3109.51 to 3109.62 of the Revised Code, 25209
"parent" means the grandparent designated as attorney in fact 25210
under the power of attorney. When a child is the subject of a 25211
caretaker authorization affidavit executed under sections 25212
3109.64 to 3109.73 of the Revised Code, "parent" means the 25213
grandparent that executed the affidavit. 25214

(2) "Legal custody," "permanent custody," and "residual 25215
parental rights, privileges, and responsibilities" have the same 25216
meanings as in section 2151.011 of the Revised Code. 25217

(3) "School district" or "district" means a city, local, 25218

or exempted village school district and excludes any school 25219
operated in an institution maintained by the department of youth 25220
services. 25221

(4) Except as used in division (C)(2) of this section, 25222
"home" means a home, institution, foster home, group home, or 25223
other residential facility in this state that receives and cares 25224
for children, to which any of the following applies: 25225

(a) The home is licensed, certified, or approved for such 25226
purpose by the state or is maintained by the department of youth 25227
services. 25228

(b) The home is operated by a person who is licensed, 25229
certified, or approved by the state to operate the home for such 25230
purpose. 25231

(c) The home accepted the child through a placement by a 25232
person licensed, certified, or approved to place a child in such 25233
a home by the state. 25234

(d) The home is a children's home created under section 25235
5153.21 or 5153.36 of the Revised Code. 25236

(5) "Agency" means all of the following: 25237

(a) A public children services agency; 25238

(b) An organization that holds a certificate issued by the 25239
Ohio department of job and family services in accordance with 25240
the requirements of section 5103.03 of the Revised Code and 25241
assumes temporary or permanent custody of children through 25242
commitment, agreement, or surrender, and places children in 25243
family homes for the purpose of adoption; 25244

(c) Comparable agencies of other states or countries that 25245
have complied with applicable requirements of section 2151.39 of 25246

the Revised Code or as applicable, sections 5103.20 to 5103.22 25247
or 5103.23 to 5103.237 of the Revised Code. 25248

(6) A child is placed for adoption if either of the 25249
following occurs: 25250

(a) An agency to which the child has been permanently 25251
committed or surrendered enters into an agreement with a person 25252
pursuant to section 5103.16 of the Revised Code for the care and 25253
adoption of the child. 25254

(b) The child's natural parent places the child pursuant 25255
to section 5103.16 of the Revised Code with a person who will 25256
care for and adopt the child. 25257

(7) "Preschool child with a disability" has the same 25258
meaning as in section 3323.01 of the Revised Code. 25259

(8) "Child," unless otherwise indicated, includes 25260
preschool children with disabilities. 25261

(9) "Active duty" means active duty pursuant to an 25262
executive order of the president of the United States, an act of 25263
the congress of the United States, or section 5919.29 or 5923.21 25264
of the Revised Code. 25265

(B) Except as otherwise provided in section 3321.01 of the 25266
Revised Code for admittance to kindergarten and first grade, a 25267
child who is at least five but under twenty-two years of age and 25268
any preschool child with a disability shall be admitted to 25269
school as provided in this division. 25270

(1) A child shall be admitted to the schools of the school 25271
district in which the child's parent resides. 25272

(2) Except as provided in division (B) of section 2151.362 25273
and section 3317.30 of the Revised Code, a child who does not 25274

reside in the district where the child's parent resides shall be 25275
admitted to the schools of the district in which the child 25276
resides if any of the following applies: 25277

(a) The child is in the legal or permanent custody of a 25278
government agency or a person other than the child's natural or 25279
adoptive parent. 25280

(b) The child resides in a home. 25281

(c) The child requires special education. 25282

(3) A child who is not entitled under division (B) (2) of 25283
this section to be admitted to the schools of the district where 25284
the child resides and who is residing with a resident of this 25285
state with whom the child has been placed for adoption shall be 25286
admitted to the schools of the district where the child resides 25287
unless either of the following applies: 25288

(a) The placement for adoption has been terminated. 25289

(b) Another school district is required to admit the child 25290
under division (B) (1) of this section. 25291

Division (B) of this section does not prohibit the board 25292
of education of a school district from placing a child with a 25293
disability who resides in the district in a special education 25294
program outside of the district or its schools in compliance 25295
with Chapter 3323. of the Revised Code. 25296

(C) A district shall not charge tuition for children 25297
admitted under division (B) (1) or (3) of this section. If the 25298
district admits a child under division (B) (2) of this section, 25299
tuition shall be paid to the district that admits the child as 25300
provided in divisions (C) (1) to (3) of this section, unless 25301
division (C) (4) of this section applies to the child: 25302

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C) (2) (d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C) (2) (a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home

or vested legal or permanent custody of the child in the person 25332
or government agency, whichever occurred first, one parent was 25333
in a residential or correctional facility or a juvenile 25334
residential placement and the other parent, if living and not in 25335
such a facility or placement, was not known to reside in this 25336
state, tuition shall be paid by the district determined under 25337
division (D) of section 3313.65 of the Revised Code as the 25338
district required to pay any tuition while the parent was in 25339
such facility or placement; 25340

(e) If the department of education and workforce has 25341
determined, pursuant to division (A) (2) of section 2151.362 of 25342
the Revised Code, that a school district other than the one 25343
named in the court's initial order, or in a prior determination 25344
of the department, is responsible to bear the cost of educating 25345
the child, the district so determined shall be responsible for 25346
that cost. 25347

(3) If the child is not in the permanent or legal custody 25348
of a government agency or person other than the child's parent 25349
and the child resides in a home, tuition shall be paid by one of 25350
the following: 25351

(a) The school district in which the child's parent 25352
resides; 25353

(b) If the child's parent is not a resident of this state, 25354
the home in which the child resides. 25355

(4) Division (C) (4) of this section applies to any child 25356
who is admitted to a school district under division (B) (2) of 25357
this section, resides in a home that is not a foster home, a 25358
home maintained by the department of youth services, a detention 25359
facility established under section 2152.41 of the Revised Code, 25360

or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.

If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised

Code to the district responsible to pay tuition and shall pay 25391
that amount to the district providing the educational services 25392
to the child. 25393

(D) Tuition required to be paid under divisions (C) (2) and 25394
(3) (a) of this section shall be computed in accordance with 25395
section 3317.08 of the Revised Code. Tuition required to be paid 25396
under division (C) (3) (b) of this section shall be computed in 25397
accordance with section 3317.081 of the Revised Code. If a home 25398
fails to pay the tuition required by division (C) (3) (b) of this 25399
section, the board of education providing the education may 25400
recover in a civil action the tuition and the expenses incurred 25401
in prosecuting the action, including court costs and reasonable 25402
attorney's fees. If the prosecuting attorney or city director of 25403
law represents the board in such action, costs and reasonable 25404
attorney's fees awarded by the court, based upon the prosecuting 25405
attorney's, director's, or one of their designee's time spent 25406
preparing and presenting the case, shall be deposited in the 25407
county or city general fund. 25408

(E) A board of education may enroll a child free of any 25409
tuition obligation for a period not to exceed sixty days, on the 25410
sworn statement of an adult resident of the district that the 25411
resident has initiated legal proceedings for custody of the 25412
child. 25413

(F) In the case of any individual entitled to attend 25414
school under this division, no tuition shall be charged by the 25415
school district of attendance and no other school district shall 25416
be required to pay tuition for the individual's attendance. 25417
Notwithstanding division (B), (C), or (E) of this section: 25418

(1) All persons at least eighteen but under twenty-two 25419
years of age who live apart from their parents, support 25420

themselves by their own labor, and have not successfully 25421
completed the high school curriculum or the individualized 25422
education program developed for the person by the high school 25423
pursuant to section 3323.08 of the Revised Code, are entitled to 25424
attend school in the district in which they reside. 25425

(2) Any child under eighteen years of age who is married 25426
is entitled to attend school in the child's district of 25427
residence. 25428

(3) A child is entitled to attend school in the district 25429
in which either of the child's parents is employed if the child 25430
has a medical condition that may require emergency medical 25431
attention. The parent of a child entitled to attend school under 25432
division (F)(3) of this section shall submit to the board of 25433
education of the district in which the parent is employed a 25434
statement from the child's physician certifying that the child's 25435
medical condition may require emergency medical attention. The 25436
statement shall be supported by such other evidence as the board 25437
may require. 25438

(4) Any child residing with a person other than the 25439
child's parent is entitled, for a period not to exceed twelve 25440
months, to attend school in the district in which that person 25441
resides if the child's parent files an affidavit with the 25442
superintendent of the district in which the person with whom the 25443
child is living resides stating all of the following: 25444

(a) That the parent is serving outside of the state in the 25445
armed services of the United States; 25446

(b) That the parent intends to reside in the district upon 25447
returning to this state; 25448

(c) The name and address of the person with whom the child 25449

is living while the parent is outside the state. 25450

(5) Any child under the age of twenty-two years who, after 25451
the death of a parent, resides in a school district other than 25452
the district in which the child attended school at the time of 25453
the parent's death is entitled to continue to attend school in 25454
the district in which the child attended school at the time of 25455
the parent's death for the remainder of the school year, subject 25456
to approval of that district board. 25457

(6) A child under the age of twenty-two years who resides 25458
with a parent who is having a new house built in a school 25459
district outside the district where the parent is residing is 25460
entitled to attend school for a period of time in the district 25461
where the new house is being built. In order to be entitled to 25462
such attendance, the parent shall provide the district 25463
superintendent with the following: 25464

(a) A sworn statement explaining the situation, revealing 25465
the location of the house being built, and stating the parent's 25466
intention to reside there upon its completion; 25467

(b) A statement from the builder confirming that a new 25468
house is being built for the parent and that the house is at the 25469
location indicated in the parent's statement. 25470

(7) A child under the age of twenty-two years residing 25471
with a parent who has a contract to purchase a house in a school 25472
district outside the district where the parent is residing and 25473
who is waiting upon the date of closing of the mortgage loan for 25474
the purchase of such house is entitled to attend school for a 25475
period of time in the district where the house is being 25476
purchased. In order to be entitled to such attendance, the 25477
parent shall provide the district superintendent with the 25478

following: 25479

(a) A sworn statement explaining the situation, revealing 25480
the location of the house being purchased, and stating the 25481
parent's intent to reside there; 25482

(b) A statement from a real estate broker or bank officer 25483
confirming that the parent has a contract to purchase the house, 25484
that the parent is waiting upon the date of closing of the 25485
mortgage loan, and that the house is at the location indicated 25486
in the parent's statement. 25487

The district superintendent shall establish a period of 25488
time not to exceed ninety days during which the child entitled 25489
to attend school under division (F) (6) or (7) of this section 25490
may attend without tuition obligation. A student attending a 25491
school under division (F) (6) or (7) of this section shall be 25492
eligible to participate in interscholastic athletics under the 25493
auspices of that school, provided the board of education of the 25494
school district where the student's parent resides, by a formal 25495
action, releases the student to participate in interscholastic 25496
athletics at the school where the student is attending, and 25497
provided the student receives any authorization required by a 25498
public agency or private organization of which the school 25499
district is a member exercising authority over interscholastic 25500
sports. 25501

(8) A child whose parent is a full-time employee of a 25502
city, local, or exempted village school district, or of an 25503
educational service center, may be admitted to the schools of 25504
the district where the child's parent is employed, or in the 25505
case of a child whose parent is employed by an educational 25506
service center, in the district that serves the location where 25507
the parent's job is primarily located, provided the district 25508

board of education establishes such an admission policy by 25509
resolution adopted by a majority of its members. Any such policy 25510
shall take effect on the first day of the school year and the 25511
effective date of any amendment or repeal may not be prior to 25512
the first day of the subsequent school year. The policy shall be 25513
uniformly applied to all such children and shall provide for the 25514
admission of any such child upon request of the parent. No child 25515
may be admitted under this policy after the first day of classes 25516
of any school year. 25517

(9) A child who is with the child's parent under the care 25518
of a shelter for victims of domestic violence, as defined in 25519
section 3113.33 of the Revised Code, is entitled to attend 25520
school free in the district in which the child is with the 25521
child's parent, and no other school district shall be required 25522
to pay tuition for the child's attendance in that school 25523
district. 25524

The enrollment of a child in a school district under this 25525
division shall not be denied due to a delay in the school 25526
district's receipt of any records required under section 25527
3313.672 of the Revised Code or any other records required for 25528
enrollment. Any days of attendance and any credits earned by a 25529
child while enrolled in a school district under this division 25530
shall be transferred to and accepted by any school district in 25531
which the child subsequently enrolls. The ~~state board~~ department 25532
of education and workforce shall adopt rules to ensure 25533
compliance with this division. 25534

(10) Any child under the age of twenty-two years whose 25535
parent has moved out of the school district after the 25536
commencement of classes in the child's senior year of high 25537
school is entitled, subject to the approval of that district 25538

board, to attend school in the district in which the child 25539
attended school at the time of the parental move for the 25540
remainder of the school year and for one additional semester or 25541
equivalent term. A district board may also adopt a policy 25542
specifying extenuating circumstances under which a student may 25543
continue to attend school under division (F)(10) of this section 25544
for an additional period of time in order to successfully 25545
complete the high school curriculum for the individualized 25546
education program developed for the student by the high school 25547
pursuant to section 3323.08 of the Revised Code. 25548

(11) As used in this division, "grandparent" means a 25549
parent of a parent of a child. A child under the age of twenty- 25550
two years who is in the custody of the child's parent, resides 25551
with a grandparent, and does not require special education is 25552
entitled to attend the schools of the district in which the 25553
child's grandparent resides, provided that, prior to such 25554
attendance in any school year, the board of education of the 25555
school district in which the child's grandparent resides and the 25556
board of education of the school district in which the child's 25557
parent resides enter into a written agreement specifying that 25558
good cause exists for such attendance, describing the nature of 25559
this good cause, and consenting to such attendance. 25560

In lieu of a consent form signed by a parent, a board of 25561
education may request the grandparent of a child attending 25562
school in the district in which the grandparent resides pursuant 25563
to division (F)(11) of this section to complete any consent form 25564
required by the district, including any authorization required 25565
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 25566
Revised Code. Upon request, the grandparent shall complete any 25567
consent form required by the district. A school district shall 25568
not incur any liability solely because of its receipt of a 25569

consent form from a grandparent in lieu of a parent. 25570

Division (F) (11) of this section does not create, and 25571
shall not be construed as creating, a new cause of action or 25572
substantive legal right against a school district, a member of a 25573
board of education, or an employee of a school district. This 25574
section does not affect, and shall not be construed as 25575
affecting, any immunities from defenses to tort liability 25576
created or recognized by Chapter 2744. of the Revised Code for a 25577
school district, member, or employee. 25578

(12) A child under the age of twenty-two years is entitled 25579
to attend school in a school district other than the district in 25580
which the child is entitled to attend school under division (B), 25581
(C), or (E) of this section provided that, prior to such 25582
attendance in any school year, both of the following occur: 25583

(a) The superintendent of the district in which the child 25584
is entitled to attend school under division (B), (C), or (E) of 25585
this section contacts the superintendent of another district for 25586
purposes of this division; 25587

(b) The superintendents of both districts enter into a 25588
written agreement that consents to the attendance and specifies 25589
that the purpose of such attendance is to protect the student's 25590
physical or mental well-being or to deal with other extenuating 25591
circumstances deemed appropriate by the superintendents. 25592

While an agreement is in effect under this division for a 25593
student who is not receiving special education under Chapter 25594
3323. of the Revised Code and notwithstanding Chapter 3327. of 25595
the Revised Code, the board of education of neither school 25596
district involved in the agreement is required to provide 25597
transportation for the student to and from the school where the 25598

student attends. 25599

A student attending a school of a district pursuant to 25600
this division shall be allowed to participate in all student 25601
activities, including interscholastic athletics, at the school 25602
where the student is attending on the same basis as any student 25603
who has always attended the schools of that district while of 25604
compulsory school age. 25605

(13) All school districts shall comply with the "McKinney- 25606
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 25607
the education of homeless children. Each city, local, and 25608
exempted village school district shall comply with the 25609
requirements of that act governing the provision of a free, 25610
appropriate public education, including public preschool, to 25611
each homeless child. 25612

When a child loses permanent housing and becomes a 25613
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 25614
child who is such a homeless person changes temporary living 25615
arrangements, the child's parent or guardian shall have the 25616
option of enrolling the child in either of the following: 25617

(a) The child's school of origin, as defined in 42 25618
U.S.C.A. 11432(g)(3)(C); 25619

(b) The school that is operated by the school district in 25620
which the shelter where the child currently resides is located 25621
and that serves the geographic area in which the shelter is 25622
located. 25623

(14) A child under the age of twenty-two years who resides 25624
with a person other than the child's parent is entitled to 25625
attend school in the school district in which that person 25626
resides if both of the following apply: 25627

(a) That person has been appointed, through a military 25628
power of attorney executed under section 574(a) of the "National 25629
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 25630
(1993), 10 U.S.C. 1044b, or through a comparable document 25631
necessary to complete a family care plan, as the parent's agent 25632
for the care, custody, and control of the child while the parent 25633
is on active duty as a member of the national guard or a reserve 25634
unit of the armed forces of the United States or because the 25635
parent is a member of the armed forces of the United States and 25636
is on a duty assignment away from the parent's residence. 25637

(b) The military power of attorney or comparable document 25638
includes at least the authority to enroll the child in school. 25639

The entitlement to attend school in the district in which 25640
the parent's agent under the military power of attorney or 25641
comparable document resides applies until the end of the school 25642
year in which the military power of attorney or comparable 25643
document expires. 25644

(G) A board of education, after approving admission, may 25645
waive tuition for students who will temporarily reside in the 25646
district and who are either of the following: 25647

(1) Residents or domiciliaries of a foreign nation who 25648
request admission as foreign exchange students; 25649

(2) Residents or domiciliaries of the United States but 25650
not of Ohio who request admission as participants in an exchange 25651
program operated by a student exchange organization. 25652

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 25653
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 25654
attend school or participate in a special education program in a 25655
school district other than in the district where the child is 25656

entitled to attend school under division (B) of this section. 25657

(I) (1) Notwithstanding anything to the contrary in this 25658
section or section 3313.65 of the Revised Code, a child under 25659
twenty-two years of age may attend school in the school district 25660
in which the child, at the end of the first full week of October 25661
of the school year, was entitled to attend school as otherwise 25662
provided under this section or section 3313.65 of the Revised 25663
Code, if at that time the child was enrolled in the schools of 25664
the district but since that time the child or the child's parent 25665
has relocated to a new address located outside of that school 25666
district and within the same county as the child's or parent's 25667
address immediately prior to the relocation. The child may 25668
continue to attend school in the district, and at the school to 25669
which the child was assigned at the end of the first full week 25670
of October of the current school year, for the balance of the 25671
school year. Division (I) (1) of this section applies only if 25672
both of the following conditions are satisfied: 25673

(a) The board of education of the school district in which 25674
the child was entitled to attend school at the end of the first 25675
full week in October and of the district to which the child or 25676
child's parent has relocated each has adopted a policy to enroll 25677
children described in division (I) (1) of this section. 25678

(b) The child's parent provides written notification of 25679
the relocation outside of the school district to the 25680
superintendent of each of the two school districts. 25681

(2) At the beginning of the school year following the 25682
school year in which the child or the child's parent relocated 25683
outside of the school district as described in division (I) (1) 25684
of this section, the child is not entitled to attend school in 25685
the school district under that division. 25686

(3) Any person or entity owing tuition to the school 25687
district on behalf of the child at the end of the first full 25688
week in October, as provided in division (C) of this section, 25689
shall continue to owe such tuition to the district for the 25690
child's attendance under division (I) (1) of this section for the 25691
lesser of the balance of the school year or the balance of the 25692
time that the child attends school in the district under 25693
division (I) (1) of this section. 25694

(4) A pupil who may attend school in the district under 25695
division (I) (1) of this section shall be entitled to 25696
transportation services pursuant to an agreement between the 25697
district and the district in which the child or child's parent 25698
has relocated unless the districts have not entered into such 25699
agreement, in which case the child shall be entitled to 25700
transportation services in the same manner as a pupil attending 25701
school in the district under interdistrict open enrollment as 25702
described in division (E) of section 3313.981 of the Revised 25703
Code, regardless of whether the district has adopted an open 25704
enrollment policy as described in division (B) (1) (b) or (c) of 25705
section 3313.98 of the Revised Code. 25706

(J) This division does not apply to a child receiving 25707
special education. 25708

A school district required to pay tuition pursuant to 25709
division (C) (2) or (3) of this section or section 3313.65 of the 25710
Revised Code shall have an amount deducted under division (C) of 25711
section 3317.023 of the Revised Code equal to its own tuition 25712
rate for the same period of attendance. A school district 25713
entitled to receive tuition pursuant to division (C) (2) or (3) 25714
of this section or section 3313.65 of the Revised Code shall 25715
have an amount credited under division (C) of section 3317.023 25716

of the Revised Code equal to its own tuition rate for the same 25717
period of attendance. If the tuition rate credited to the 25718
district of attendance exceeds the rate deducted from the 25719
district required to pay tuition, the department of education_ 25720
and workforce shall pay the district of attendance the 25721
difference from amounts deducted from all districts' payments 25722
under division (C) of section 3317.023 of the Revised Code but 25723
not credited to other school districts under such division and 25724
from appropriations made for such purpose. The treasurer of each 25725
school district shall, by the fifteenth day of January and July, 25726
furnish the ~~superintendent of public instruction~~ director of 25727
education and workforce a report of the names of each child who 25728
attended the district's schools under divisions (C) (2) and (3) 25729
of this section or section 3313.65 of the Revised Code during 25730
the preceding six calendar months, the duration of the 25731
attendance of those children, the school district responsible 25732
for tuition on behalf of the child, and any other information 25733
that the ~~superintendent~~ director requires. 25734

Upon receipt of the report the ~~superintendent~~ director, 25735
pursuant to division (C) of section 3317.023 of the Revised 25736
Code, shall deduct each district's tuition obligations under 25737
divisions (C) (2) and (3) of this section or section 3313.65 of 25738
the Revised Code and pay to the district of attendance that 25739
amount plus any amount required to be paid by the state. 25740

(K) In the event of a disagreement, the ~~superintendent of~~ 25741
~~public instruction~~ director of education and workforce shall 25742
determine the school district in which the parent resides. 25743

(L) Nothing in this section requires or authorizes, or 25744
shall be construed to require or authorize, the admission to a 25745
public school in this state of a pupil who has been permanently 25746

excluded from public school attendance by the ~~superintendent of~~ 25747
~~public instruction director~~ pursuant to sections 3301.121 and 25748
3313.662 of the Revised Code. 25749

(M) In accordance with division (B)(1) of this section, a 25750
child whose parent is a member of the national guard or a 25751
reserve unit of the armed forces of the United States and is 25752
called to active duty, or a child whose parent is a member of 25753
the armed forces of the United States and is ordered to a 25754
temporary duty assignment outside of the district, may continue 25755
to attend school in the district in which the child's parent 25756
lived before being called to active duty or ordered to a 25757
temporary duty assignment outside of the district, as long as 25758
the child's parent continues to be a resident of that district, 25759
and regardless of where the child lives as a result of the 25760
parent's active duty status or temporary duty assignment. 25761
However, the district is not responsible for providing 25762
transportation for the child if the child lives outside of the 25763
district as a result of the parent's active duty status or 25764
temporary duty assignment. 25765

Sec. 3313.642. (A) Except as provided in division (B) of 25766
this section and notwithstanding the provisions of sections 25767
3313.48 and 3313.64 of the Revised Code, the board of education 25768
of a city, exempted village, or local school district shall not 25769
be required to furnish, free of charge, to the pupils attending 25770
the public schools any materials used in a course of instruction 25771
with the exception of the necessary textbooks or electronic 25772
textbooks required to be furnished without charge pursuant to 25773
section 3329.06 of the Revised Code. The board may, however, 25774
make provision by appropriations transferred from the general 25775
fund of the district or otherwise for furnishing free of charge 25776
any materials used in a course of instruction to such pupils as 25777

it determines are in serious financial need of such materials. 25778

(B) No board of education of a school district shall 25779
charge a fee to a pupil who is eligible for a free lunch under 25780
the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 25781
1751, as amended, and the "Child Nutrition Act of 1966," 80 25782
Stat. 885, 42 U.S.C. 1771, as amended, for any materials needed 25783
to enable the pupil to participate fully in a course of 25784
instruction. The prohibition in this division against charging a 25785
fee does not apply to any fee charged for any of the following: 25786

(1) Any materials needed to enable a pupil to participate 25787
fully in extracurricular activities or in any pupil enrichment 25788
program that is not a course of instruction; 25789

(2) Any tools, equipment, and materials that are necessary 25790
for workforce-readiness training within a career-technical 25791
education program that, to the extent the tools, equipment, and 25792
materials are not consumed, may be retained by the student upon 25793
course completion. 25794

(C) Boards of education may adopt rules and regulations 25795
prescribing each of the following: 25796

(1) A schedule of fees for materials used in a course of 25797
instruction; 25798

(2) A schedule of charges which may be imposed upon pupils 25799
for the loss, damage, or destruction of school apparatus, 25800
equipment, musical instruments, library material, textbooks, or 25801
electronic textbooks required to be furnished without charge, 25802
and for damage to school buildings. 25803

Except as provided in division (D) of this section, boards 25804
of education may enforce the payment of such fees and charges by 25805
withholding the grades and credits of the pupils concerned. 25806

(D) No board of education shall withhold the grades, 25807
credits, official transcripts, diploma, IEPs, or 504 plans of a 25808
pupil for nonpayment of fees for materials used in a course of 25809
instruction imposed under division (C) (1) of this section, if a 25810
complaint has been filed at any time in a juvenile court 25811
alleging that the pupil is an abused, neglected, or dependent 25812
child or if the pupil has been adjudicated an abused, neglected, 25813
or dependent child. 25814

A board shall require that the grades, credits, official 25815
transcripts, IEPs, or 504 plan of a pupil described in this 25816
division be transferred immediately upon the receipt of either 25817
another district's or school's request for those records under 25818
section 3313.672 of the Revised Code or a juvenile judge's order 25819
under section 2151.272 of the Revised Code. 25820

A board that is required to transfer records under 25821
division (D) of this section may request a copy of any order 25822
regarding the child's custody or placement issued pursuant to a 25823
complaint filed under section 2151.27 of the Revised Code. 25824
However, a board shall not withhold records required to be 25825
transferred under that division pending receipt of a copy of the 25826
order. 25827

(E) Each board of education annually shall report to the 25828
department of education and workforce the number of pupils for 25829
whom the board sends transcripts under division (D) of this 25830
section and the total amount of unpaid fees lost due to 25831
compliance with that division. 25832

(F) As used in this section: 25833

(1) "IEP" has the same meaning as in section 3323.01 of 25834
the Revised Code. 25835

(2) "504 plan" means a plan based on an evaluation 25836
conducted in accordance with section 504 of the "Rehabilitation 25837
Act of 1973," 29 U.S.C. 794, as amended. 25838

Sec. 3313.643. Every student and teacher of a school, 25839
college, or other educational institution shall wear industrial 25840
quality eye protective devices at all times while participating 25841
in or observing any of the following courses: 25842

(A) Vocational, technical, industrial arts, fine arts, 25843
chemical, physical, or combined chemical-physical educational 25844
activities, involving exposure to: 25845

(1) Hot molten metals or other molten materials; 25846

(2) Milling, sawing, drilling, turning, shaping, cutting, 25847
grinding, buffing, or stamping of any solid materials; 25848

(3) Heat treatment, tempering, or kiln firing of any metal 25849
or other materials; 25850

(4) Gas or electric arc welding or other forms of welding 25851
processes; 25852

(5) Repair or servicing of any vehicle; 25853

(6) Caustic or explosive materials~~†.~~ 25854

(B) Chemical, physical, or combined chemical-physical 25855
laboratories involving caustic or explosive materials, hot 25856
liquids or solids, injurious radiations, or other hazards. 25857

Such devices may be furnished for all students and 25858
teachers, purchased and sold at cost to students and teachers, 25859
or made available for a moderate rental fee, and shall be 25860
furnished for all visitors to such shops and laboratories. 25861

The ~~superintendent of public instruction,~~ director of 25862

education and workforce or any other appropriate educational 25863
authority designated by the ~~superintendent~~director, shall 25864
prepare and circulate to each public and private educational 25865
institution in this state instructions and recommendations for 25866
implementing the eye safety provisions of this section. The 25867
bureau of workers' compensation shall ensure compliance with 25868
this section. 25869

"Industrial quality eye protective devices" as used in 25870
this section, means devices meeting the standards of the 25871
American national standard practice for occupational and 25872
educational eye and face protection, Z87.1-1968, approved by the 25873
American national standards institute, inc., and subsequent 25874
revisions thereof, provided such revisions are approved and 25875
adopted by the industrial commission. 25876

Sec. 3313.644. The board of education of any school 25877
district may contract with the state department of education and 25878
workforce or other state agency or with any agency of the 25879
federal government for the education or training of out-of- 25880
school youth or adults regardless of their place of residence. 25881
The board of education may permit the attendance, under such 25882
contract, of such students or trainees who are not residents of 25883
the school district only if the contract provides for the 25884
reimbursement to the school district of the entire actual cost 25885
of educating or training such nonresident students or trainees 25886
and regardless of the ratio of nonresident students or trainees 25887
to resident students or trainees. 25888

Sec. 3313.645. A board of education may admit to the 25889
schools of its district, free of any tuition obligation, any 25890
resident of the district not otherwise eligible to be admitted 25891
who meets criteria established by the ~~state board~~ department of 25892

education and workforce. The ~~state board department~~ shall adopt 25893
rules establishing criteria for the admission of persons to 25894
schools under this division. The rules may authorize 25895
restrictions or limitations on the classes or programs in which 25896
such persons may participate. 25897

For participation in vocational education programs the 25898
district operates or participates in pursuant to sections 25899
3313.90 and 3313.91 of the Revised Code, a board of education 25900
may admit the following individuals to the schools of its 25901
district free of any tuition obligation and without regard to 25902
age: 25903

(A) Any resident to the district who has successfully 25904
completed the individualized education program developed for the 25905
person by any high school pursuant to section 3323.08 of the 25906
Revised Code; 25907

(B) Any person employed by the district in a position for 25908
which a license issued by the state board of education under 25909
section 3319.22 to 3319.31 of the Revised Code is not required 25910
who seeks admission to a class or program related to the 25911
person's position and is authorized by the district's 25912
superintendent to be admitted to the class or program. The 25913
superintendent shall determine whether the class or program is 25914
related to the employee's position. 25915

Sec. 3313.646. (A) The board of education of a school 25916
district, except a cooperative education district established 25917
pursuant to section 3311.521 of the Revised Code, may establish 25918
and operate a program to provide services to preschool-age 25919
children, provided the board has demonstrated a need for the 25920
program. A board may use school funds in support of preschool 25921
programs. The board shall maintain, operate, and admit children 25922

to any such program pursuant to rules adopted by such board and 25923
the rules of the ~~state board~~ department of education and 25924
workforce adopted under sections 3301.52 to 3301.57 of the 25925
Revised Code. 25926

A board of education may establish fees or tuition, which 25927
may be graduated in proportion to family income, for 25928
participation in a preschool program. In cases where payment of 25929
fees or tuition would create a hardship for the child's parent 25930
or guardian, the board may waive any such fees or tuition. 25931

(B) No board of education that is not receiving funds 25932
under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 25933
9831, on March 17, 1989, shall compete for funds under the "Head 25934
Start Act" with any grantee receiving funds under that act. 25935

(C) A board of education may contract with any of the 25936
following preschool providers to provide services to preschool- 25937
age children, other than those services for which the district 25938
is eligible to receive funding under section 3317.0213 of the 25939
Revised Code: 25940

(1) Any organization receiving funds under the "Head Start 25941
Act"; 25942

(2) Any nonsectarian eligible nonpublic school as defined 25943
in division (H) of section 3301.52 of the Revised Code; 25944

(3) Any child care provider licensed under Chapter 5104. 25945
of the Revised Code. 25946

Boards may contract to provide services to preschool-age 25947
children only with such organizations whose staff meet the 25948
requirements of rules adopted under section 3301.53 of the 25949
Revised Code or those of the child development associate 25950
credential established by the national association for the 25951

education of young children. 25952

(D) A contract entered into under division (C) of this 25953
section may provide for the board of education to lease school 25954
facilities to the preschool provider or to furnish 25955
transportation, utilities, or staff for the preschool program. 25956

(E) The treasurer of any board of education operating a 25957
preschool program pursuant to this section shall keep an account 25958
of all funds used to operate the program in the same manner as 25959
the treasurer would any other funds of the district pursuant to 25960
this chapter. 25961

Sec. 3313.647. As used in this division, "graduate" means 25962
a person who has received a diploma from a district pursuant to 25963
section 3313.61 of the Revised Code. 25964

Pursuant to rules adopted by the ~~state board department of~~ 25965
education and workforce, a city, local, exempted village, or 25966
joint vocational school district may establish a policy 25967
guaranteeing a specific level of competency of certain graduates 25968
of the district. The guarantee policy shall specify that any 25969
graduate meeting specified criteria established by the board is 25970
capable of performing specified functions at a level established 25971
in the policy. Any employer or potential employer of a graduate 25972
who is guaranteed under such a policy may submit a written 25973
statement to the board of education stating the guaranteed 25974
graduate of its district does not meet the level of competency 25975
specified in the district's guarantee policy. Upon receipt of 25976
such statement the board of education shall provide an 25977
opportunity for additional education to the graduate, regardless 25978
of the graduate's age or place of residence, until such 25979
individual attains the competency level specified in the policy. 25980
No fee shall be charged to any person or government entity for 25981

such additional education. A school board may expend school 25982
funds for a guarantee program; however, no student participating 25983
in the program shall be included in the formula ADM of the 25984
district as determined under section 3317.03 of the Revised Code 25985
or included as a participant in any other program, if such 25986
inclusion would result in additional state funds to the school 25987
district. 25988

The ~~state board of education department~~ shall adopt rules 25989
for the adoption of a policy under this section and for the 25990
additional education program described under this section. 25991

Sec. 3313.6410. This section applies to any school that is 25992
operated by a school district and in which the enrolled students 25993
work primarily on assignments in nonclassroom-based learning 25994
opportunities provided via an internet- or other computer-based 25995
instructional method. 25996

(A) Any school to which this section applies shall 25997
withdraw from the school any student who, for two consecutive 25998
school years of enrollment in the school, has failed to 25999
participate in the spring administration of any assessment 26000
prescribed under section 3301.0710 or 3301.0712 of the Revised 26001
Code for the student's grade level and was not excused from the 26002
assessment pursuant to division (C) (1) or (3) of section 26003
3301.0711 of the Revised Code, regardless of whether a waiver 26004
was granted for the student under division (E) of section 26005
3317.03 of the Revised Code. The school shall report any such 26006
student's data verification code, as assigned pursuant to 26007
section 3301.0714 of the Revised Code, to the department of 26008
education and workforce to be added to the list maintained by 26009
the department under section 3314.26 of the Revised Code. 26010

(B) No school to which this section applies shall receive 26011

any state funds under Chapter 3317. of the Revised Code for any 26012
enrolled student whose data verification code appears on the 26013
list maintained by the department under section 3314.26 of the 26014
Revised Code. Notwithstanding any provision of the Revised Code 26015
to the contrary, the parent of any such student shall pay 26016
tuition to the school district that operates the school in an 26017
amount equal to the state funds the district otherwise would 26018
receive for that student, as determined by the department. A 26019
school to which this section applies may withdraw any student 26020
for whom the parent does not pay tuition as required by this 26021
division. 26022

Sec. 3313.65. (A) As used in this section and section 26023
3313.64 of the Revised Code: 26024

(1) A person is "in a residential facility" if the person 26025
is a resident or a resident patient of an institution, home, or 26026
other residential facility that is: 26027

(a) Licensed as a nursing home, residential care facility, 26028
or home for the aging by the director of health under section 26029
3721.02 of the Revised Code; 26030

(b) Maintained as a county home or district home by the 26031
board of county commissioners or a joint board of county 26032
commissioners under Chapter 5155. of the Revised Code; 26033

(c) Operated or administered by a board of alcohol, drug 26034
addiction, and mental health services under section 340.037 of 26035
the Revised Code, or provides residential care pursuant to 26036
contracts made under section 340.036 of the Revised Code; 26037

(d) Maintained as a state institution for the mentally ill 26038
under Chapter 5119. of the Revised Code; 26039

(e) Licensed by the department of mental health and 26040

addiction services under section 5119.33 or 5119.34 of the	26041
Revised Code;	26042
(f) Licensed as a residential facility by the department	26043
of developmental disabilities under section 5123.19 of the	26044
Revised Code;	26045
(g) Operated by the veteran's administration or another	26046
agency of the United States government;	26047
(h) Operated by the Ohio veterans' home.	26048
(2) A person is "in a correctional facility" if any of the	26049
following apply:	26050
(a) The person is an Ohio resident and is:	26051
(i) Imprisoned, as defined in section 1.05 of the Revised	26052
Code;	26053
(ii) Serving a term in a community-based correctional	26054
facility or a district community-based correctional facility;	26055
(iii) Required, as a condition of parole, a post-release	26056
control sanction, a community control sanction, transitional	26057
control, or early release from imprisonment, as a condition of	26058
shock parole or shock probation granted under the law in effect	26059
prior to July 1, 1996, or as a condition of a furlough granted	26060
under the version of section 2967.26 of the Revised Code in	26061
effect prior to March 17, 1998, to reside in a halfway house or	26062
other community residential center licensed under section	26063
2967.14 of the Revised Code or a similar facility designated by	26064
the court of common pleas that established the condition or by	26065
the adult parole authority.	26066
(b) The person is imprisoned in a state correctional	26067
institution of another state or a federal correctional	26068

institution but was an Ohio resident at the time the sentence 26069
was imposed for the crime for which the person is imprisoned. 26070

(3) A person is "in a juvenile residential placement" if 26071
the person is an Ohio resident who is under twenty-one years of 26072
age and has been removed, by the order of a juvenile court, from 26073
the place the person resided at the time the person became 26074
subject to the court's jurisdiction in the matter that resulted 26075
in the person's removal. 26076

(4) "Community control sanction" has the same meaning as 26077
in section 2929.01 of the Revised Code. 26078

(5) "Post-release control sanction" has the same meaning 26079
as in section 2967.01 of the Revised Code. 26080

(B) If the circumstances described in division (C) of this 26081
section apply, the determination of what school district must 26082
admit a child to its schools and what district, if any, is 26083
liable for tuition shall be made in accordance with this 26084
section, rather than section 3313.64 of the Revised Code. 26085

(C) A child who does not reside in the school district in 26086
which the child's parent resides and for whom a tuition 26087
obligation previously has not been established under division 26088
(C) (2) of section 3313.64 of the Revised Code shall be admitted 26089
to the schools of the district in which the child resides if at 26090
least one of the child's parents is in a residential or 26091
correctional facility or a juvenile residential placement and 26092
the other parent, if living and not in such a facility or 26093
placement, is not known to reside in this state. 26094

(D) Regardless of who has custody or care of the child, 26095
whether the child resides in a home, or whether the child 26096
receives special education, if a district admits a child under 26097

division (C) of this section, tuition shall be paid to that 26098
district as follows: 26099

(1) If the child's parent is in a juvenile residential 26100
placement, by the district in which the child's parent resided 26101
at the time the parent became subject to the jurisdiction of the 26102
juvenile court; 26103

(2) If the child's parent is in a correctional facility, 26104
by the district in which the child's parent resided at the time 26105
the sentence was imposed; 26106

(3) If the child's parent is in a residential facility, by 26107
the district in which the parent resided at the time the parent 26108
was admitted to the residential facility, except that if the 26109
parent was transferred from another residential facility, 26110
tuition shall be paid by the district in which the parent 26111
resided at the time the parent was admitted to the facility from 26112
which the parent first was transferred; 26113

(4) In the event of a disagreement as to which school 26114
district is liable for tuition under division (C) (1), (2), or 26115
(3) of this section, the ~~superintendent of public instruction~~ 26116
director of education and workforce shall determine which 26117
district shall pay tuition. 26118

(E) If a child covered by division (D) of this section 26119
receives special education in accordance with Chapter 3323. of 26120
the Revised Code, the tuition shall be paid in accordance with 26121
section 3323.13 or 3323.14 of the Revised Code. Tuition for 26122
children who do not receive special education shall be paid in 26123
accordance with division (J) of section 3313.64 of the Revised 26124
Code. 26125

Sec. 3313.66. (A) (1) Except as provided under division (B) 26126

(2) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district, or the principal of a public school may suspend a pupil from school for not more than ten school days. The board of education of a city, exempted village, or local school district may adopt a policy granting assistant principals and other administrators the authority to suspend a pupil from school for a period of time as specified in the policy of the board of education, not to exceed ten school days. If at the time an out-of-school suspension is imposed there are fewer than ten school days remaining in the school year in which the incident that gives rise to the suspension takes place, the superintendent shall not apply any remaining part of the period of the suspension to the following school year. The superintendent may instead require the pupil to participate in a community service program or another alternative consequence for a number of hours equal to the remaining part of the period of the suspension. The pupil shall be required to begin the pupil's community service or alternative consequence during the first full week day of summer break. Each school district, in its discretion, may develop an appropriate list of alternative consequences. In the event that a pupil fails to complete community service or the assigned alternative consequence, the school district may determine the next course of action, which shall not include requiring the pupil to serve the remaining time of the out-of-school suspension at the beginning of the following school year.

No pupil shall be issued an out-of-school suspension unless prior to the suspension the superintendent or principal does both of the following:

(a) Gives the pupil written notice of the intention to

suspend the pupil and the reasons for the intended suspension 26158
and, if the proposed suspension is based on a violation listed 26159
in division (A) of section 3313.662 of the Revised Code and if 26160
the pupil is sixteen years of age or older, includes in the 26161
notice a statement that the superintendent may seek to 26162
permanently exclude the pupil if the pupil is convicted of or 26163
adjudicated a delinquent child for that violation; 26164

(b) Provides the pupil an opportunity to appear at an 26165
informal hearing before the principal, assistant principal, 26166
superintendent, or superintendent's designee and challenge the 26167
reason for the intended suspension or otherwise to explain the 26168
pupil's actions. 26169

(2) If a pupil is issued an in-school suspension, the 26170
superintendent or principal shall ensure the pupil is serving 26171
the suspension in a supervised learning environment. 26172

(3) Each school district board shall adopt a policy 26173
establishing parameters for completing and grading assignments 26174
missed because of a pupil's suspension. 26175

(a) The policy shall provide the pupil an opportunity to 26176
do both of the following: 26177

(i) Complete any classroom assignments missed because of 26178
the suspension; 26179

(ii) Receive at least partial credit for a completed 26180
assignment. 26181

(b) The policy may permit grade reductions on account of 26182
the pupil's suspension. 26183

(c) The policy shall prohibit the receipt of a failing 26184
grade on a completed assignment solely on account of the pupil's 26185

suspension. 26186

(B) (1) Except as provided under division (B) (2), (3), or 26187
(4) of this section, and subject to section 3313.668 of the 26188
Revised Code, the superintendent of schools of a city, exempted 26189
village, or local school district may expel a pupil from school 26190
for a period not to exceed the greater of eighty school days or 26191
the number of school days remaining in the semester or term in 26192
which the incident that gives rise to the expulsion takes place, 26193
unless the expulsion is extended pursuant to division (F) of 26194
this section. If at the time an expulsion is imposed there are 26195
fewer than eighty school days remaining in the school year in 26196
which the incident that gives rise to the expulsion takes place, 26197
the superintendent may apply any remaining part or all of the 26198
period of the expulsion to the following school year. 26199

(2) (a) Unless a pupil is permanently excluded pursuant to 26200
section 3313.662 of the Revised Code, the superintendent of 26201
schools of a city, exempted village, or local school district 26202
shall expel a pupil from school for a period of one year for 26203
bringing a firearm to a school operated by the board of 26204
education of the district or onto any other property owned or 26205
controlled by the board, except that the superintendent may 26206
reduce this requirement on a case-by-case basis in accordance 26207
with the policy adopted by the board under section 3313.661 of 26208
the Revised Code. 26209

(b) The superintendent of schools of a city, exempted 26210
village, or local school district may expel a pupil from school 26211
for a period of one year for bringing a firearm to an 26212
interscholastic competition, an extracurricular event, or any 26213
other school program or activity that is not located in a school 26214
or on property that is owned or controlled by the district. The 26215

superintendent may reduce this disciplinary action on a case-by- 26216
case basis in accordance with the policy adopted by the board 26217
under section 3313.661 of the Revised Code. 26218

(c) Any expulsion pursuant to division (B)(2) of this 26219
section shall extend, as necessary, into the school year 26220
following the school year in which the incident that gives rise 26221
to the expulsion takes place. As used in this division, 26222
"firearm" has the same meaning as provided pursuant to the "Gun- 26223
Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 26224

(3) The board of education of a city, exempted village, or 26225
local school district may adopt a resolution authorizing the 26226
superintendent of schools to expel a pupil from school for a 26227
period not to exceed one year for bringing a knife capable of 26228
causing serious bodily injury to a school operated by the board, 26229
onto any other property owned or controlled by the board, or to 26230
an interscholastic competition, an extracurricular event, or any 26231
other program or activity sponsored by the school district or in 26232
which the district is a participant, or for possessing a firearm 26233
or knife capable of serious bodily injury, at a school, on any 26234
other property owned or controlled by the board, or at an 26235
interscholastic competition, an extracurricular event, or any 26236
other school program or activity, which firearm or knife was 26237
initially brought onto school board property by another person. 26238
The resolution may authorize the superintendent to extend such 26239
an expulsion, as necessary, into the school year following the 26240
school year in which the incident that gives rise to the 26241
expulsion takes place. 26242

(4) The board of education of a city, exempted village, or 26243
local school district may adopt a resolution establishing a 26244
policy under section 3313.661 of the Revised Code that 26245

authorizes the superintendent of schools to expel a pupil from 26246
school for a period not to exceed one year for committing an act 26247
that is a criminal offense when committed by an adult and that 26248
results in serious physical harm to persons as defined in 26249
division (A) (5) of section 2901.01 of the Revised Code or 26250
serious physical harm to property as defined in division (A) (6) 26251
of section 2901.01 of the Revised Code while the pupil is at 26252
school, on any other property owned or controlled by the board, 26253
or at an interscholastic competition, an extracurricular event, 26254
or any other school program or activity. Any expulsion under 26255
this division shall extend, as necessary, into the school year 26256
following the school year in which the incident that gives rise 26257
to the expulsion takes place. 26258

(5) The board of education of any city, exempted village, 26259
or local school district may adopt a resolution establishing a 26260
policy under section 3313.661 of the Revised Code that 26261
authorizes the superintendent of schools to expel a pupil from 26262
school for a period not to exceed one year for making a bomb 26263
threat to a school building or to any premises at which a school 26264
activity is occurring at the time of the threat. Any expulsion 26265
under this division shall extend, as necessary, into the school 26266
year following the school year in which the incident that gives 26267
rise to the expulsion takes place. 26268

(6) No pupil shall be expelled under division (B) (1), (2), 26269
(3), (4), or (5) of this section unless, prior to the pupil's 26270
expulsion, the superintendent does both of the following: 26271

(a) Gives the pupil and the pupil's parent, guardian, or 26272
custodian written notice of the intention to expel the pupil; 26273

(b) Provides the pupil and the pupil's parent, guardian, 26274
custodian, or representative an opportunity to appear in person 26275

before the superintendent or the superintendent's designee to 26276
challenge the reasons for the intended expulsion or otherwise to 26277
explain the pupil's actions. 26278

The notice required in this division shall include the 26279
reasons for the intended expulsion, notification of the 26280
opportunity of the pupil and the pupil's parent, guardian, 26281
custodian, or representative to appear before the superintendent 26282
or the superintendent's designee to challenge the reasons for 26283
the intended expulsion or otherwise to explain the pupil's 26284
action, and notification of the time and place to appear. The 26285
time to appear shall not be earlier than three nor later than 26286
five school days after the notice is given, unless the 26287
superintendent grants an extension of time at the request of the 26288
pupil or the pupil's parent, guardian, custodian, or 26289
representative. If an extension is granted after giving the 26290
original notice, the superintendent shall notify the pupil and 26291
the pupil's parent, guardian, custodian, or representative of 26292
the new time and place to appear. If the proposed expulsion is 26293
based on a violation listed in division (A) of section 3313.662 26294
of the Revised Code and if the pupil is sixteen years of age or 26295
older, the notice shall include a statement that the 26296
superintendent may seek to permanently exclude the pupil if the 26297
pupil is convicted of or adjudicated a delinquent child for that 26298
violation. 26299

(7) A superintendent of schools of a city, exempted 26300
village, or local school district shall initiate expulsion 26301
proceedings pursuant to this section with respect to any pupil 26302
who has committed an act warranting expulsion under the 26303
district's policy regarding expulsion even if the pupil has 26304
withdrawn from school for any reason after the incident that 26305
gives rise to the hearing but prior to the hearing or decision 26306

to impose the expulsion. If, following the hearing, the pupil 26307
would have been expelled for a period of time had the pupil 26308
still been enrolled in the school, the expulsion shall be 26309
imposed for the same length of time as on a pupil who has not 26310
withdrawn from the school. 26311

(C) (1) Subject to division (C) (2) of this section, if a 26312
pupil's presence poses a continuing danger to persons or 26313
property or an ongoing threat of disrupting the academic process 26314
taking place either within a classroom or elsewhere on the 26315
school premises, the superintendent or a principal or assistant 26316
principal may remove a pupil from curricular activities or from 26317
the school premises, and a teacher may remove a pupil from 26318
curricular activities under the teacher's supervision, without 26319
the notice and hearing requirements of division (A) or (B) of 26320
this section. As soon as practicable after making such a 26321
removal, the teacher shall submit in writing to the principal 26322
the reasons for such removal. 26323

(2) A pupil in any of grades pre-kindergarten through 26324
three may be removed pursuant to division (C) (1) of this section 26325
only for the remainder of the school day and shall be permitted 26326
to return to curricular and extracurricular activities on the 26327
school day following the day in which the student was removed. 26328

(a) A school district or school that returns a student in 26329
any of grades pre-kindergarten through three to curricular and 26330
extracurricular activities on the next school day shall not be 26331
required to follow division (C) (3) of this section with regard 26332
to that student. 26333

(b) A school district shall not initiate a suspension or 26334
expulsion proceeding against a student in any of grades pre- 26335
kindergarten through three who was removed from a curricular or 26336

extracurricular activity under division (C) of this section 26337
unless the student has committed an act described in division 26338
(B) (1) (a) or (b) of section 3313.668 of the Revised Code. 26339

(3) If a pupil is removed under division (C) (1) or (2) of 26340
this section from a curricular activity or from the school 26341
premises, written notice of the hearing and of the reason for 26342
the removal shall be given to the pupil as soon as practicable 26343
prior to the hearing, which shall be held on the next school day 26344
after the initial removal is ordered. The hearing shall be held 26345
in accordance with division (A) of this section unless it is 26346
probable that the pupil may be subject to expulsion, in which 26347
case a hearing in accordance with division (B) of this section 26348
shall be held, except that the hearing shall be held on the next 26349
school day after the date of the initial removal. The individual 26350
who ordered, caused, or requested the removal to be made shall 26351
be present at the hearing. 26352

(4) If the superintendent or the principal reinstates a 26353
pupil in a curricular activity under the teacher's supervision 26354
prior to the hearing following a removal under this division, 26355
the teacher, upon request, shall be given in writing the reasons 26356
for such reinstatement. 26357

(D) The superintendent or principal, within one school day 26358
after the time of a pupil's expulsion or suspension, shall 26359
notify in writing the parent, guardian, or custodian of the 26360
pupil of the expulsion or suspension. In the case of an 26361
expulsion, the superintendent or principal, within one school 26362
day after the time of a pupil's expulsion, also shall notify in 26363
writing the treasurer of the board of education. Each notice 26364
shall include the reasons for the expulsion or suspension, 26365
notification of the right of the pupil or the pupil's parent, 26366

guardian, or custodian to appeal the expulsion or suspension to 26367
the board of education or to its designee, to be represented in 26368
all appeal proceedings, to be granted a hearing before the board 26369
or its designee in order to be heard against the suspension or 26370
expulsion, and to request that the hearing be held in executive 26371
session, notification that the expulsion may be subject to 26372
extension pursuant to division (F) of this section if the pupil 26373
is sixteen years of age or older, and notification that the 26374
superintendent may seek the pupil's permanent exclusion if the 26375
suspension or expulsion was based on a violation listed in 26376
division (A) of section 3313.662 of the Revised Code that was 26377
committed when the child was sixteen years of age or older and 26378
if the pupil is convicted of or adjudicated a delinquent child 26379
for that violation. 26380

In accordance with the policy adopted by the board of 26381
education under section 3313.661 of the Revised Code, the notice 26382
provided under this division shall specify the manner and date 26383
by which the pupil or the pupil's parent, guardian, or custodian 26384
shall notify the board of the pupil's, parent's, guardian's, or 26385
custodian's intent to appeal the expulsion or suspension to the 26386
board or its designee. 26387

Any superintendent expelling a pupil under this section 26388
for more than twenty school days or for any period of time if 26389
the expulsion will extend into the following semester or school 26390
year shall, in the notice required under this division, provide 26391
the pupil and the pupil's parent, guardian, or custodian with 26392
information about services or programs offered by public and 26393
private agencies that work toward improving those aspects of the 26394
pupil's attitudes and behavior that contributed to the incident 26395
that gave rise to the pupil's expulsion. The information shall 26396
include the names, addresses, and phone numbers of the 26397

appropriate public and private agencies. 26398

(E) A pupil or the pupil's parent, guardian, or custodian 26399
may appeal the pupil's expulsion by a superintendent or 26400
suspension by a superintendent, principal, assistant principal, 26401
or other administrator to the board of education or to its 26402
designee. If the pupil or the pupil's parent, guardian, or 26403
custodian intends to appeal the expulsion or suspension to the 26404
board or its designee, the pupil or the pupil's parent, 26405
guardian, or custodian shall notify the board in the manner and 26406
by the date specified in the notice provided under division (D) 26407
of this section. The pupil or the pupil's parent, guardian, or 26408
custodian may be represented in all appeal proceedings and shall 26409
be granted a hearing before the board or its designee in order 26410
to be heard against the suspension or expulsion. At the request 26411
of the pupil or of the pupil's parent, guardian, custodian, or 26412
attorney, the board or its designee may hold the hearing in 26413
executive session but shall act upon the suspension or expulsion 26414
only at a public meeting. The board, by a majority vote of its 26415
full membership or by the action of its designee, may affirm the 26416
order of suspension or expulsion, reinstate the pupil, or 26417
otherwise reverse, vacate, or modify the order of suspension or 26418
expulsion. 26419

The board or its designee shall make a verbatim record of 26420
hearings held under this division. The decisions of the board or 26421
its designee may be appealed under Chapter 2506. of the Revised 26422
Code. 26423

This section shall not be construed to require notice and 26424
hearing in accordance with division (A), (B), or (C) of this 26425
section in the case of normal disciplinary procedures in which a 26426
pupil is removed from a curricular activity for a period of less 26427

than one school day and is not subject to suspension or 26428
expulsion. 26429

(F) (1) If a pupil is expelled pursuant to division (B) of 26430
this section for committing any violation listed in division (A) 26431
of section 3313.662 of the Revised Code and the pupil was 26432
sixteen years of age or older at the time of committing the 26433
violation, if a complaint, indictment, or information is filed 26434
alleging that the pupil is a delinquent child based upon the 26435
commission of the violation or the pupil is prosecuted as an 26436
adult for the commission of the violation, and if the resultant 26437
juvenile court or criminal proceeding is pending at the time 26438
that the expulsion terminates, the superintendent of schools 26439
that expelled the pupil may file a motion with the court in 26440
which the proceeding is pending requesting an order extending 26441
the expulsion for the lesser of an additional eighty days or the 26442
number of school days remaining in the school year. Upon the 26443
filing of the motion, the court immediately shall schedule a 26444
hearing and give written notice of the time, date, and location 26445
of the hearing to the superintendent and to the pupil and the 26446
pupil's parent, guardian, or custodian. At the hearing, the 26447
court shall determine whether there is reasonable cause to 26448
believe that the pupil committed the alleged violation that is 26449
the basis of the expulsion and, upon determining that reasonable 26450
cause to believe the pupil committed the violation does exist, 26451
shall grant the requested extension. 26452

(2) If a pupil has been convicted of or adjudicated a 26453
delinquent child for a violation listed in division (A) of 26454
section 3313.662 of the Revised Code for an act that was 26455
committed when the child was sixteen years of age or older, if 26456
the pupil has been expelled pursuant to division (B) of this 26457
section for that violation, and if the board of education of the 26458

school district of the school from which the pupil was expelled 26459
has adopted a resolution seeking the pupil's permanent 26460
exclusion, the superintendent may file a motion with the court 26461
that convicted the pupil or adjudicated the pupil a delinquent 26462
child requesting an order to extend the expulsion until an 26463
adjudication order or other determination regarding permanent 26464
exclusion is issued by the ~~superintendent of public instruction~~ 26465
director of education and workforce pursuant to section 3301.121 26466
and division (D) of section 3313.662 of the Revised Code. Upon 26467
the filing of the motion, the court immediately shall schedule a 26468
hearing and give written notice of the time, date, and location 26469
of the hearing to the superintendent of the school district, the 26470
pupil, and the pupil's parent, guardian, or custodian. At the 26471
hearing, the court shall determine whether there is reasonable 26472
cause to believe the pupil's continued attendance in the public 26473
school system may endanger the health and safety of other pupils 26474
or school employees and, upon making that determination, shall 26475
grant the requested extension. 26476

(G) The failure of the superintendent or the board of 26477
education to provide the information regarding the possibility 26478
of permanent exclusion in the notice required by divisions (A), 26479
(B), and (D) of this section is not jurisdictional, and the 26480
failure shall not affect the validity of any suspension or 26481
expulsion procedure that is conducted in accordance with this 26482
section or the validity of a permanent exclusion procedure that 26483
is conducted in accordance with sections 3301.121 and 3313.662 26484
of the Revised Code. 26485

(H) With regard to suspensions and expulsions pursuant to 26486
divisions (A) and (B) of this section by the board of education 26487
of any city, exempted village, or local school district, this 26488
section shall apply to any student, whether or not the student 26489

is enrolled in the district, attending or otherwise 26490
participating in any curricular program provided in a school 26491
operated by the board or provided on any other property owned or 26492
controlled by the board. 26493

(I) Whenever a student is expelled under this section, the 26494
expulsion shall result in removal of the student from the 26495
student's regular school setting. However, during the period of 26496
the expulsion, the board of education of the school district 26497
that expelled the student or any board of education admitting 26498
the student during that expulsion period may provide educational 26499
services to the student in an alternative setting. 26500

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 26501
3313.64, and 3313.65 of the Revised Code, any school district, 26502
after offering an opportunity for a hearing, may temporarily 26503
deny admittance to any pupil if one of the following applies: 26504

(a) The pupil has been suspended from the schools of 26505
another district under division (A) of this section and the 26506
period of suspension, as established under that division, has 26507
not expired; 26508

(b) The pupil has been expelled from the schools of 26509
another district under division (B) of this section and the 26510
period of the expulsion, as established under that division or 26511
as extended under division (F) of this section, has not expired. 26512

If a pupil is temporarily denied admission under this 26513
division, the pupil shall be admitted to school in accordance 26514
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 26515
Revised Code no later than upon expiration of the suspension or 26516
expulsion period, as applicable. 26517

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 26518

and 3313.65 of the Revised Code, any school district, after 26519
offering an opportunity for a hearing, may temporarily deny 26520
admittance to any pupil if the pupil has been expelled or 26521
otherwise removed for disciplinary purposes from a public school 26522
in another state and the period of expulsion or removal has not 26523
expired. If a pupil is temporarily denied admission under this 26524
division, the pupil shall be admitted to school in accordance 26525
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 26526
Revised Code no later than the earlier of the following: 26527

(a) Upon expiration of the expulsion or removal period 26528
imposed by the out-of-state school; 26529

(b) Upon expiration of a period established by the 26530
district, beginning with the date of expulsion or removal from 26531
the out-of-state school, that is no greater than the period of 26532
expulsion that the pupil would have received under the policy 26533
adopted by the district under section 3313.661 of the Revised 26534
Code had the offense that gave rise to the expulsion or removal 26535
by the out-of-state school been committed while the pupil was 26536
enrolled in the district. 26537

(K) As used in this section: 26538

(1) "Permanently exclude" and "permanent exclusion" have 26539
the same meanings as in section 3313.662 of the Revised Code. 26540

(2) "In-school suspension" means the pupil will serve all 26541
of the suspension in a supervised learning environment within a 26542
school setting. 26543

Sec. 3313.662. (A) The ~~superintendent of public~~ 26544
~~instruction~~ director of education and workforce, pursuant to this 26545
section and the adjudication procedures of section 3301.121 of 26546
the Revised Code, may issue an adjudication order that 26547

permanently excludes a pupil from attending any of the public 26548
schools of this state if the pupil is convicted of, or 26549
adjudicated a delinquent child for, committing, when the pupil 26550
was sixteen years of age or older, an act that would be a 26551
criminal offense if committed by an adult and if the act is any 26552
of the following: 26553

(1) A violation of section 2923.122 of the Revised Code; 26554

(2) A violation of section 2923.12 of the Revised Code, of 26555
a substantially similar municipal ordinance, or of section 26556
2925.03 of the Revised Code that was committed on property owned 26557
or controlled by, or at an activity held under the auspices of, 26558
a board of education of a city, local, exempted village, or 26559
joint vocational school district; 26560

(3) A violation of section 2925.11 of the Revised Code, 26561
other than a violation of that section that would be a minor 26562
drug possession offense, that was committed on property owned or 26563
controlled by, or at an activity held under the auspices of, the 26564
board of education of a city, local, exempted village, or joint 26565
vocational school district; 26566

(4) A violation of section 2903.01, 2903.02, 2903.03, 26567
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 26568
section 2907.12 of the Revised Code that was committed on 26569
property owned or controlled by, or at an activity held under 26570
the auspices of, a board of education of a city, local, exempted 26571
village, or joint vocational school district, if the victim at 26572
the time of the commission of the act was an employee of that 26573
board of education; 26574

(5) Complicity in any violation described in division (A) 26575
(1), (2), (3), or (4) of this section that was alleged to have 26576

been committed in the manner described in division (A) (1), (2), 26577
(3), or (4) of this section, regardless of whether the act of 26578
complicity was committed on property owned or controlled by, or 26579
at an activity held under the auspices of, a board of education 26580
of a city, local, exempted village, or joint vocational school 26581
district. 26582

(B) A pupil may be suspended or expelled in accordance 26583
with section 3313.66 of the Revised Code prior to being 26584
permanently excluded from public school attendance under this 26585
section and section 3301.121 of the Revised Code. 26586

(C) (1) If the superintendent of a city, local, exempted 26587
village, or joint vocational school district in which a pupil 26588
attends school obtains or receives proof that the pupil has been 26589
convicted of committing when the pupil was sixteen years of age 26590
or older a violation listed in division (A) of this section or 26591
adjudicated a delinquent child for the commission when the pupil 26592
was sixteen years of age or older of a violation listed in 26593
division (A) of this section, the superintendent may issue to 26594
the board of education of the school district a request that the 26595
pupil be permanently excluded from public school attendance, if 26596
both of the following apply: 26597

(a) After obtaining or receiving proof of the conviction 26598
or adjudication, the superintendent or the superintendent's 26599
designee determines that the pupil's continued attendance in 26600
school may endanger the health and safety of other pupils or 26601
school employees and gives the pupil and the pupil's parent, 26602
guardian, or custodian written notice that the superintendent 26603
intends to recommend to the board of education that the board 26604
adopt a resolution requesting the ~~superintendent of public~~ 26605
~~instruction~~ director of education and workforce to permanently 26606

exclude the pupil from public school attendance. 26607

(b) The superintendent or the superintendent's designee 26608
forwards to the board of education the superintendent's written 26609
recommendation that includes the determinations the 26610
superintendent or designee made pursuant to division (C) (1) (a) 26611
of this section and a copy of the proof the superintendent 26612
received showing that the pupil has been convicted of or 26613
adjudicated a delinquent child for a violation listed in 26614
division (A) of this section that was committed when the pupil 26615
was sixteen years of age or older. 26616

(2) Within fourteen days after receipt of a recommendation 26617
from the superintendent pursuant to division (C) (1) (b) of this 26618
section that a pupil be permanently excluded from public school 26619
attendance, the board of education of a city, local, exempted 26620
village, or joint vocational school district, after review and 26621
consideration of all of the following available information, may 26622
adopt a resolution requesting the ~~superintendent of public~~ 26623
~~instruction~~ director of education and workforce to permanently 26624
exclude the pupil who is the subject of the recommendation from 26625
public school attendance: 26626

(a) The academic record of the pupil and a record of any 26627
extracurricular activities in which the pupil previously was 26628
involved; 26629

(b) The disciplinary record of the pupil and any available 26630
records of the pupil's prior behavioral problems other than the 26631
behavioral problems contained in the disciplinary record; 26632

(c) The social history of the pupil; 26633

(d) The pupil's response to the imposition of prior 26634
discipline and sanctions imposed for behavioral problems; 26635

(e) Evidence regarding the seriousness of and any 26636
aggravating factors related to the offense that is the basis of 26637
the resolution seeking permanent exclusion; 26638

(f) Any mitigating circumstances surrounding the offense 26639
that gave rise to the request for permanent exclusion; 26640

(g) Evidence regarding the probable danger posed to the 26641
health and safety of other pupils or of school employees by the 26642
continued presence of the pupil in a public school setting; 26643

(h) Evidence regarding the probable disruption of the 26644
teaching of any school district's graded course of study by the 26645
continued presence of the pupil in a public school setting; 26646

(i) Evidence regarding the availability of alternative 26647
sanctions of a less serious nature than permanent exclusion that 26648
would enable the pupil to remain in a public school setting 26649
without posing a significant danger to the health and safety of 26650
other pupils or of school employees and without posing a threat 26651
of the disruption of the teaching of any district's graded 26652
course of study. 26653

(3) If the board does not adopt a resolution requesting 26654
the ~~superintendent of public instruction~~ director to permanently 26655
exclude the pupil, it immediately shall send written notice of 26656
that fact to the district superintendent who sought the 26657
resolution, to the pupil who was the subject of the proposed 26658
resolution, and to that pupil's parent, guardian, or custodian. 26659

(D) (1) Upon adoption of a resolution under division (C) of 26660
this section, the board of education immediately shall forward 26661
to the ~~superintendent of public instruction~~ director of 26662
education and workforce the written resolution, proof of the 26663
conviction or adjudication that is the basis of the resolution, 26664

a copy of the pupil's entire school record, and any other 26665
relevant information and shall forward a copy of the resolution 26666
to the pupil who is the subject of the recommendation and to 26667
that pupil's parent, guardian, or custodian. 26668

(2) The board of education that adopted and forwarded the 26669
resolution requesting the permanent exclusion of the pupil to 26670
the ~~superintendent of public instruction~~ director promptly shall 26671
designate a representative of the school district to present the 26672
case for permanent exclusion to the superintendent or the 26673
referee appointed by the superintendent. The representative of 26674
the school district may be an attorney admitted to the practice 26675
of law in this state. At the adjudication hearing held pursuant 26676
to section 3301.121 of the Revised Code, the representative of 26677
the school district shall present evidence in support of the 26678
requested permanent exclusion. 26679

(3) Upon receipt of a board of education's resolution 26680
requesting the permanent exclusion of a pupil from public school 26681
attendance, the ~~superintendent of public instruction~~ director, in 26682
accordance with the adjudication procedures of section 3301.121 26683
of the Revised Code, promptly shall issue an adjudication order 26684
that either permanently excludes the pupil from attending any of 26685
the public schools of this state or that rejects the resolution 26686
of the board of education. 26687

(E) Notwithstanding any provision of section 3313.64 of 26688
the Revised Code or an order of any court of this state that 26689
otherwise requires the admission of the pupil to a school, no 26690
school official in a city, local, exempted village, or joint 26691
vocational school district knowingly shall admit to any school 26692
in the school district a pupil who has been permanently excluded 26693
from public school attendance by the ~~superintendent of public~~ 26694

~~instruction~~director of education and workforce. 26695

(F) (1) (a) Upon determining that the school attendance of a 26696
pupil who has been permanently excluded from public school 26697
attendance no longer will endanger the health and safety of 26698
other students or school employees, the superintendent of any 26699
city, local, exempted village, or joint vocational school 26700
district in which the pupil desires to attend school may issue 26701
to the board of education of the school district a 26702
recommendation, including the reasons for the recommendation, 26703
that the permanent exclusion of a pupil be revoked and the pupil 26704
be allowed to return to the public schools of the state. 26705

If any violation which in whole or in part gave rise to 26706
the permanent exclusion of any pupil involved the pupil's 26707
bringing a firearm to a school operated by the board of 26708
education of a school district or onto any other property owned 26709
or operated by such a board, no superintendent shall recommend 26710
under this division an effective date for the revocation of the 26711
pupil's permanent exclusion that is less than one year after the 26712
date on which the last such firearm incident occurred. However, 26713
on a case-by-case basis, a superintendent may recommend an 26714
earlier effective date for such a revocation for any of the 26715
reasons for which the superintendent may reduce the one-year 26716
expulsion requirement in division (B) (2) of section 3313.66 of 26717
the Revised Code. 26718

(b) Upon receipt of the recommendation of the 26719
superintendent that a permanent exclusion of a pupil be revoked, 26720
the board of education of a city, local, exempted village, or 26721
joint vocational school district may adopt a resolution by a 26722
majority vote of its members requesting the ~~superintendent of~~ 26723
~~public instruction~~director of education and workforce to revoke 26724

the permanent exclusion of the pupil. Upon adoption of the 26725
resolution, the board of education shall forward a copy of the 26726
resolution, the reasons for the resolution, and any other 26727
relevant information to the ~~superintendent of public~~ 26728
~~instruction~~director. 26729

(c) Upon receipt of a resolution of a board of education 26730
requesting the revocation of a permanent exclusion of a pupil, 26731
the ~~superintendent of public instruction~~director, in accordance 26732
with the adjudication procedures of Chapter 119. of the Revised 26733
Code, shall issue an adjudication order that revokes the 26734
permanent exclusion of the pupil from public school attendance 26735
or that rejects the resolution of the board of education. 26736

(2) (a) A pupil who has been permanently excluded pursuant 26737
to this section and section 3301.121 of the Revised Code may 26738
request the superintendent of any city, local, exempted village, 26739
or joint vocational school district in which the pupil desires 26740
to attend school to admit the pupil on a probationary basis for 26741
a period not to exceed ninety school days. Upon receiving the 26742
request, the superintendent may enter into discussions with the 26743
pupil and with the pupil's parent, guardian, or custodian or a 26744
person designated by the pupil's parent, guardian, or custodian 26745
to develop a probationary admission plan designed to assist the 26746
pupil's probationary admission to the school. The plan may 26747
include a treatment program, a behavioral modification program, 26748
or any other program reasonably designed to meet the educational 26749
needs of the child and the disciplinary requirements of the 26750
school. 26751

If any violation which in whole or in part gave rise to 26752
the permanent exclusion of the pupil involved the pupil's 26753
bringing a firearm to a school operated by the board of 26754

education of any school district or onto any other property 26755
owned or operated by such a board, no plan developed under this 26756
division for the pupil shall include an effective date for the 26757
probationary admission of the pupil that is less than one year 26758
after the date on which the last such firearm incident occurred 26759
except that on a case-by-case basis, a plan may include an 26760
earlier effective date for such an admission for any of the 26761
reasons for which the superintendent of the district may reduce 26762
the one-year expulsion requirement in division (B) (2) of section 26763
3313.66 of the Revised Code. 26764

(b) If the superintendent of a school district, a pupil, 26765
and the pupil's parent, guardian, or custodian or a person 26766
designated by the pupil's parent, guardian, or custodian agree 26767
upon a probationary admission plan prepared pursuant to division 26768
(F) (2) (a) of this section, the superintendent of the school 26769
district shall issue to the board of education of the school 26770
district a recommendation that the pupil be allowed to attend 26771
school within the school district under probationary admission, 26772
the reasons for the recommendation, and a copy of the agreed 26773
upon probationary admission plan. Within fourteen days after the 26774
board of education receives the recommendation, reasons, and 26775
plan, the board may adopt the recommendation by a majority vote 26776
of its members. If the board adopts the recommendation, the 26777
pupil may attend school under probationary admission within that 26778
school district for a period not to exceed ninety days or any 26779
additional probationary period permitted under divisions (F) (2) 26780
(d) and (e) of this section in accordance with the probationary 26781
admission plan prepared pursuant to division (F) (2) (a) of this 26782
section. 26783

(c) If a pupil who is permitted to attend school under 26784
probationary admission pursuant to division (F) (2) (b) of this 26785

section fails to comply with the probationary admission plan 26786
prepared pursuant to division (F) (2) (a) of this section, the 26787
superintendent of the school district immediately may remove the 26788
pupil from the school and issue to the board of education of the 26789
school district a recommendation that the probationary admission 26790
be revoked. Within five days after the board of education 26791
receives the recommendation, the board may adopt the 26792
recommendation to revoke the pupil's probationary admission by a 26793
majority vote of its members. If a majority of the board does 26794
not adopt the recommendation to revoke the pupil's probationary 26795
admission, the pupil shall continue to attend school in 26796
compliance with the pupil's probationary admission plan. 26797

(d) If a pupil who is permitted to attend school under 26798
probationary admission pursuant to division (F) (2) (b) of this 26799
section complies with the probationary admission plan prepared 26800
pursuant to division (F) (2) (a) of this section, the pupil or the 26801
pupil's parent, guardian, or custodian, at any time before the 26802
expiration of the ninety-day probationary admission period, may 26803
request the superintendent of the school district to extend the 26804
terms and period of the pupil's probationary admission for a 26805
period not to exceed ninety days or to issue a recommendation 26806
pursuant to division (F) (1) of this section that the pupil's 26807
permanent exclusion be revoked and the pupil be allowed to 26808
return to the public schools of this state. 26809

(e) If a pupil is granted an extension of the pupil's 26810
probationary admission pursuant to division (F) (2) (d) of this 26811
section, the pupil or the pupil's parent, guardian, or 26812
custodian, in the manner described in that division, may 26813
request, and the superintendent and board, in the manner 26814
described in that division, may recommend and grant, subsequent 26815
probationary admission periods not to exceed ninety days each. 26816

If a pupil who is permitted to attend school under an extension 26817
of a probationary admission plan complies with the probationary 26818
admission plan prepared pursuant to the extension, the pupil or 26819
the pupil's parent, guardian, or custodian may request a 26820
revocation of the pupil's permanent exclusion in the manner 26821
described in division (F) (2) (d) of this section. 26822

(f) Any extension of a probationary admission requested by 26823
a pupil or a pupil's parent, guardian, or custodian pursuant to 26824
divisions (F) (2) (d) or (e) of this section shall be subject to 26825
the adoption and approval of a probationary admission plan in 26826
the manner described in divisions (F) (2) (a) and (b) of this 26827
section and may be terminated as provided in division (F) (2) (c) 26828
of this section. 26829

(g) If the pupil has complied with any probationary 26830
admission plan and the superintendent issues a recommendation 26831
that seeks revocation of the pupil's permanent exclusion 26832
pursuant to division (F) (1) of this section, the pupil's 26833
compliance with any probationary admission plan may be 26834
considered along with other relevant factors in any 26835
determination or adjudication conducted pursuant to division (F) 26836
(1) of this section. 26837

(G) (1) Except as provided in division (G) (2) of this 26838
section, any information regarding the permanent exclusion of a 26839
pupil shall be included in the pupil's official records and 26840
shall be included in any records sent to any school district 26841
that requests the pupil's records. 26842

(2) When a pupil who has been permanently excluded from 26843
public school attendance reaches the age of twenty-two or when 26844
the permanent exclusion of a pupil has been revoked, all school 26845
districts that maintain records regarding the pupil's permanent 26846

exclusion shall remove all references to the exclusion from the 26847
pupil's file and shall destroy them. 26848

A pupil who has reached the age of twenty-two or whose 26849
permanent exclusion has been revoked may send a written notice 26850
to the superintendent of any school district maintaining records 26851
of the pupil's permanent exclusion requesting the superintendent 26852
to ensure that the records are removed from the pupil's file and 26853
destroyed. Upon receipt of the request and a determination that 26854
the pupil is twenty-two years of age or older or that the 26855
pupil's permanent exclusion has been revoked, the superintendent 26856
shall ensure that the records are removed from the pupil's file 26857
and destroyed. 26858

(H) (1) This section does not apply to any of the 26859
following: 26860

(a) An institution that is a residential facility, that 26861
receives and cares for children, that is maintained by the 26862
department of youth services, and that operates a school 26863
chartered by the ~~state board~~ director of education and workforce 26864
under section 3301.16 of the Revised Code; 26865

(b) Any on-premises school operated by an out-of-home care 26866
entity, other than a school district, that is chartered by the 26867
~~state board~~ director of education and workforce under section 26868
3301.16 of the Revised Code; 26869

(c) Any school operated in connection with an out-of-home 26870
care entity or a nonresidential youth treatment program that 26871
enters into a contract or agreement with a school district for 26872
the provision of educational services in a setting other than a 26873
setting that is a building or structure owned or controlled by 26874
the board of education of the school district during normal 26875

school hours. 26876

(2) This section does not prohibit any person who has been 26877
permanently excluded pursuant to this section and section 26878
3301.121 of the Revised Code from seeking a certificate of high 26879
school equivalence. A person who has been permanently excluded 26880
may be permitted to participate in a course of study in 26881
preparation for a high school equivalency test approved by the 26882
department of education and workforce pursuant to division (B) 26883
of section 3301.80 of the Revised Code, except that the person 26884
shall not participate during normal school hours in that course 26885
of study in any building or structure owned or controlled by the 26886
board of education of a school district. 26887

(3) This section does not relieve any school district from 26888
any requirement under section 2151.362 or 3313.64 of the Revised 26889
Code to pay for the cost of educating any child who has been 26890
permanently excluded pursuant to this section and section 26891
3301.121 of the Revised Code. 26892

(I) As used in this section: 26893

(1) "Permanently exclude" means to forever prohibit an 26894
individual from attending any public school in this state that 26895
is operated by a city, local, exempted village, or joint 26896
vocational school district. 26897

(2) "Permanent exclusion" means the prohibition of a pupil 26898
forever from attending any public school in this state that is 26899
operated by a city, local, exempted village, or joint vocational 26900
school district. 26901

(3) "Out-of-home care" has the same meaning as in section 26902
2151.011 of the Revised Code. 26903

(4) "Certificate of high school equivalence" has the same 26904

meaning as in section 4109.06 of the Revised Code. 26905

(5) "Nonresidential youth treatment program" means a 26906
program designed to provide services to persons under the age of 26907
eighteen in a setting that does not regularly provide long-term 26908
overnight care, including settlement houses, diversion and 26909
prevention programs, run-away centers, and alternative education 26910
programs. 26911

(6) "Firearm" has the same meaning as provided pursuant to 26912
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 26913
8001(a)(2). 26914

(7) "Minor drug possession offense" has the same meaning 26915
as in section 2925.01 of the Revised Code. 26916

Sec. 3313.671. (A)(1) Except as otherwise provided in 26917
division (B) of this section, no pupil, at the time of initial 26918
entry or at the beginning of each school year, to an elementary 26919
or high school for which the ~~state board~~ director of education_ 26920
and workforce prescribes minimum standards pursuant to division 26921
(D) of section 3301.07 of the Revised Code, shall be permitted 26922
to remain in school for more than fourteen days unless the pupil 26923
presents written evidence satisfactory to the person in charge 26924
of admission, that the pupil has been immunized by a method of 26925
immunization approved by the department of health pursuant to 26926
section 3701.13 of the Revised Code against mumps, 26927
poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and 26928
rubella or is in the process of being immunized. 26929

(2) Except as provided in division (B) of this section, no 26930
pupil who begins kindergarten at an elementary school subject to 26931
the ~~state board of education's~~ director's minimum standards 26932
shall be permitted to remain in school for more than fourteen 26933

days unless the pupil presents written evidence satisfactory to 26934
the person in charge of admission that the pupil has been 26935
immunized by a department of health-approved method of 26936
immunization or is in the process of being immunized against 26937
both of the following: 26938

(a) During or after the school year beginning in 1999, 26939
hepatitis B; 26940

(b) During or after the school year beginning in 2006, 26941
chicken pox. 26942

(3) Except as provided in division (B) of this section, 26943
during and after the school year beginning in 2016, no pupil who 26944
is the age or older than the age at which immunization against 26945
meningococcal disease is recommended by the state department of 26946
health shall be permitted to remain in a school subject to the 26947
~~state board of education's~~ director's minimum standards for more 26948
than fourteen days unless the pupil presents written evidence 26949
satisfactory to the person in charge of admission that the pupil 26950
has been immunized by a department of health-approved method of 26951
immunization, or is in the process of being immunized, against 26952
meningococcal disease. 26953

(4) As used in divisions (A) (1), (2), and (3) of this 26954
section, "in the process of being immunized" means the pupil has 26955
been immunized against mumps, rubeola, rubella, and chicken pox, 26956
and if the pupil has not been immunized against poliomyelitis, 26957
diphtheria, pertussis, tetanus, hepatitis B, and meningococcal 26958
disease, the pupil has received at least the first dose of the 26959
immunization sequence, and presents written evidence to the 26960
pupil's building principal or chief administrative officer of 26961
each subsequent dose required to obtain immunization at the 26962
intervals prescribed by the director of health. Any student 26963

previously admitted under the "in process of being immunized" 26964
provision and who has not complied with the immunization 26965
intervals prescribed by the director of health shall be excluded 26966
from school on the fifteenth day of the following school year. 26967
Any student so excluded shall be readmitted upon showing 26968
evidence to the student's building principal or chief 26969
administrative officer of progress on the director of health's 26970
interval schedule. 26971

(B) (1) A pupil who has had natural rubeola, and presents a 26972
signed statement from the pupil's parent, guardian, or physician 26973
to that effect, is not required to be immunized against rubeola. 26974

(2) A pupil who has had natural mumps, and presents a 26975
signed statement from the pupil's parent, guardian, or physician 26976
to that effect, is not required to be immunized against mumps. 26977

(3) A pupil who has had natural chicken pox, and presents 26978
a signed statement from the pupil's parent, guardian, or 26979
physician to that effect, is not required to be immunized 26980
against chicken pox. 26981

(4) A pupil who presents a written statement of the 26982
pupil's parent or guardian in which the parent or guardian 26983
declines to have the pupil immunized for reasons of conscience, 26984
including religious convictions, is not required to be 26985
immunized. 26986

(5) A child whose physician certifies in writing that such 26987
immunization against any disease is medically contraindicated is 26988
not required to be immunized against that disease. 26989

(C) As used in this division, "chicken pox epidemic" means 26990
the occurrence of cases of chicken pox in numbers greater than 26991
expected in the school's population or for a particular period 26992

of time. 26993

Notwithstanding division (B) of this section, a school may 26994
deny admission to a pupil otherwise exempted from the chicken 26995
pox immunization requirement if the director of the state 26996
department of health notifies the school's principal or chief 26997
administrative officer that a chicken pox epidemic exists in the 26998
school's population. The denial of admission shall cease when 26999
the director notifies the principal or officer that the epidemic 27000
no longer exists. 27001

The board of education or governing body of each school 27002
subject to this section shall adopt a policy that prescribes 27003
methods whereby the academic standing of a pupil who is denied 27004
admission during a chicken pox epidemic may be preserved. 27005

(D) Boards of health, legislative authorities of municipal 27006
corporations, and boards of township trustees on application of 27007
the board of education of the district or proper authority of 27008
any school affected by this section, shall provide at the public 27009
expense, without delay, the means of immunization against mumps, 27010
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 27011
and hepatitis B to pupils who are not so provided by their 27012
parents or guardians. 27013

(E) The department of health shall specify the age at 27014
which immunization against meningococcal disease, as required by 27015
division (A)(3) of this section, is recommended, and approve a 27016
method of immunization against meningococcal disease. 27017

Sec. 3313.674. (A) Except as provided in division (D) of 27018
this section, the board of education of each city, exempted 27019
village, or local school district and the governing authority of 27020
each chartered nonpublic school may require each student 27021

enrolled in kindergarten, third grade, fifth grade, and ninth 27022
grade to undergo a screening for body mass index and weight 27023
status category. 27024

(B) The board or governing authority may provide any 27025
screenings authorized by this section itself, contract with 27026
another entity for provision of the screenings, or request the 27027
parent or guardian of each student subject to the screening to 27028
obtain the screening from a provider selected by the parent or 27029
guardian and to submit the results to the board or governing 27030
authority. If the board or governing authority provides the 27031
screenings itself or contracts with another entity for provision 27032
of the screenings, the board or governing authority shall 27033
protect student privacy by ensuring that each student is 27034
screened alone and not in the presence of other students or 27035
staff. 27036

(C) Each school year, each board or governing authority 27037
electing to require the screening shall provide the parent or 27038
guardian of each student subject to the screening with 27039
information about the screening program. If the board or 27040
governing authority requests parents and guardians to obtain a 27041
screening from a provider of their choosing, the board or 27042
governing authority shall provide them with a list of providers 27043
and information about screening services available in the 27044
community to parents and guardians who cannot afford a private 27045
provider. 27046

(D) If the parent or guardian of a student subject to the 27047
screening signs and submits to the board or governing authority 27048
a written statement indicating that the parent or guardian does 27049
not wish to have the student undergo the screening, the board or 27050
governing authority shall not require the student to be 27051

screened. 27052

(E) The board or governing authority shall notify the 27053
parent or guardian of each student screened under this section 27054
of any health risks associated with the student's results and 27055
shall provide the parent or guardian with information about 27056
appropriately addressing the risks. For this purpose, the 27057
department of health, in consultation with the department of 27058
education and workforce, shall develop a list of documents, 27059
pamphlets, or other resources that may be distributed to parents 27060
and guardians under this division. 27061

(F) The board or governing authority shall maintain the 27062
confidentiality of each student's individual screening results 27063
at all times. No board or governing authority shall report a 27064
student's individual screening results to any person other than 27065
the student's parent or guardian. 27066

(G) In a manner prescribed by rule of the director of 27067
health, each board or governing authority electing to require 27068
the screening shall report aggregated body mass index and weight 27069
status category data collected under this section, and any other 27070
demographic data required by the director, to the department of 27071
health. In the case of a school district, data shall be 27072
aggregated for the district as a whole and not for individual 27073
schools within the district, unless the district operates only 27074
one school. In the case of a chartered nonpublic school, data 27075
shall be aggregated for the school as a whole. The department 27076
annually may publish the data reported under this division, 27077
aggregated by county. For each county in which a district, 27078
community school, STEM school, or chartered nonpublic school has 27079
elected not to require the screening for a school year for which 27080
data is published, the department shall note that the data for 27081

the county in which the district or school is located is 27082
incomplete. The department may share data reported under this 27083
division with other governmental entities for the purpose of 27084
monitoring population health, making reports, or public health 27085
promotional activities. 27086

Sec. 3313.71. School physicians may make examinations, 27087
which shall include tests to determine the existence of hearing 27088
defects, and diagnoses of all children referred to them. They 27089
may make such examination of teachers and other school employees 27090
and inspection of school buildings as in their opinion the 27091
protection of health of the pupils, teachers, and other school 27092
employees requires. 27093

Boards of education shall require and provide, in 27094
accordance with section 3313.67 of the Revised Code, such tests 27095
and examinations for tuberculosis of pupils in selected grades 27096
and of school employees as may be required by the director of 27097
health. 27098

Boards may require annual tuberculin tests of any grades. 27099
All pupils with positive reactions to the test shall have chest 27100
x-rays and all positive reactions and x-ray findings shall be 27101
reported promptly to the county record bureau of tuberculosis 27102
cases provided for in section 339.74 of the Revised Code. Boards 27103
shall waive the required test where a pupil presents a written 27104
statement from the pupil's family physician certifying that such 27105
test has been given and that such pupil is free from 27106
tuberculosis in a communicable stage, or that such test is 27107
inadvisable for medical reasons, or from the pupil's parent or 27108
guardian objecting to such test because of religious 27109
convictions. 27110

Whenever a pupil, teacher, or other school employee is 27111

found to be ill or suffering from tuberculosis in a communicable 27112
stage or other communicable disease, the school physician shall 27113
promptly send such pupil, teacher, or other school employee 27114
home, with a statement, in the case of a pupil, to the pupil's 27115
parents or guardian, briefly setting forth the discovered facts, 27116
and advising that the family physician be consulted. School 27117
physicians shall keep accurate card-index records of all 27118
examinations, and said records, that they may be uniform 27119
throughout the state, shall be according to the form prescribed 27120
by the ~~state board~~ department of education and workforce, and 27121
the reports shall be made according to the method of ~~said that~~ 27122
form. If the parent or guardian of any pupil or any teacher or 27123
other school employee, after notice from the board of education, 27124
furnishes within two weeks thereafter the written certificate of 27125
any reputable physician that the pupil, teacher, or other school 27126
employee has been examined, in such cases the service of the 27127
school physician shall be dispensed with, and such certificate 27128
shall be furnished by such parent or guardian, as required by 27129
the board of education. Such individual records shall not be 27130
open to the public and shall be solely for the use of the boards 27131
of education and boards of health officer. If any teacher or 27132
other school employee is found to have tuberculosis in a 27133
communicable stage or other communicable disease, the teacher's 27134
or employee's employment shall be discontinued or suspended upon 27135
such terms as to salary as the board deems just until the school 27136
physician has certified to a recovery from such disease. The 27137
methods of making the tuberculin tests and chest x-rays required 27138
by this section shall be such as are approved by the director of 27139
health. 27140

This section shall apply to all elementary and high 27141
schools for which the ~~state board~~ director of education and 27142

workforce sets minimum standards pursuant to section 3301.07 of 27143
the Revised Code. 27144

Sec. 3313.7110. (A) The board of education of each city, 27145
local, exempted village, or joint vocational school district may 27146
procure epinephrine autoinjectors for each school operated by 27147
the district to have on the school premises for use in emergency 27148
situations identified under division (C) (5) of this section by 27149
doing one of the following: 27150

(1) Having a licensed health professional authorized to 27151
prescribe drugs, acting in accordance with section 4723.483, 27152
4730.433, or 4731.96 of the Revised Code, personally furnish the 27153
epinephrine autoinjectors to the school or school district or 27154
issue a prescription for them in the name of the school or 27155
district; 27156

(2) Having the district's superintendent obtain a 27157
prescriber-issued protocol that includes definitive orders for 27158
epinephrine autoinjectors and the dosages of epinephrine to be 27159
administered through them. 27160

A district board that elects to procure epinephrine 27161
autoinjectors under this section is encouraged to maintain, at 27162
all times, at least two epinephrine autoinjectors at each school 27163
operated by the district. 27164

(B) A district board that elects to procure epinephrine 27165
autoinjectors under this section shall require the district's 27166
superintendent to adopt a policy governing their maintenance and 27167
use. Before adopting the policy, the superintendent shall 27168
consult with a licensed health professional authorized to 27169
prescribe drugs. 27170

(C) The policy adopted under division (B) of this section 27171

shall do all of the following:	27172
(1) Identify the one or more locations in each school operated by the district in which an epinephrine autoinjector must be stored;	27173 27174 27175
(2) Specify the conditions under which an epinephrine autoinjector must be stored, replaced, and disposed;	27176 27177
(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse or an athletic trainer, licensed under Chapter 4755. of the Revised Code, who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;	27178 27179 27180 27181 27182 27183
(4) Specify any training that employees or contractors specified under division (C) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an epinephrine autoinjector;	27184 27185 27186 27187
(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which a school nurse, athletic trainer, or other employees or contractors specified under division (C) (3) of this section may access and use an epinephrine autoinjector;	27188 27189 27190 27191 27192
(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;	27193 27194 27195
(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C) (5) of this section.	27196 27197 27198 27199 27200

(D) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A school or school district;

(b) A member of a district board of education;

(c) A district or school employee or contractor;

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, consults with a superintendent, or issues a protocol pursuant to this section.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, district or school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(E) A school district board of education may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(F) A district board that elects to procure epinephrine autoinjectors under this section shall report to the department of education and workforce each procurement and occurrence in which an epinephrine autoinjector is used from a school's supply

of epinephrine autoinjectors.	27230
(G) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.	27231 27232 27233
Sec. 3313.7111. (A) With the approval of its governing authority, a chartered or nonchartered nonpublic school may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A chartered or nonchartered nonpublic school that elects to do so shall comply with all provisions of that section as if it were a school district.	27234 27235 27236 27237 27238 27239 27240
(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:	27241 27242 27243 27244 27245 27246
(a) A chartered or nonchartered nonpublic school;	27247
(b) A member of a chartered or nonchartered nonpublic school governing authority;	27248 27249
(c) An employee or contractor of the school;	27250
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.	27251 27252 27253 27254
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered	27255 27256 27257

or nonchartered nonpublic school governing authority, chartered 27258
or nonchartered nonpublic school employee or contractor, or 27259
licensed health professional may be entitled to under any other 27260
provision of the Revised Code or the common law of this state. 27261

(C) A chartered or nonchartered nonpublic school may 27262
accept donations of epinephrine autoinjectors from a wholesale 27263
distributor of dangerous drugs or a manufacturer of dangerous 27264
drugs, as defined in section 4729.01 of the Revised Code, and 27265
may accept donations of money from any person to purchase 27266
epinephrine autoinjectors. 27267

(D) A chartered or nonchartered nonpublic school that 27268
elects to procure epinephrine autoinjectors under this section 27269
shall report to the department of education and workforce each 27270
procurement and occurrence in which an epinephrine autoinjector 27271
is used from the school's supply of epinephrine autoinjectors. 27272

Sec. 3313.7112. (A) As used in this section: 27273

(1) "Board of education" means a board of education of a 27274
city, local, exempted village, or joint vocational school 27275
district. 27276

(2) "Governing authority" means a governing authority of a 27277
chartered nonpublic school. 27278

(3) "Licensed health care professional" means any of the 27279
following: 27280

(a) A physician authorized under Chapter 4731. of the 27281
Revised Code to practice medicine and surgery or osteopathic 27282
medicine and surgery; 27283

(b) A registered nurse, advanced practice registered 27284
nurse, or licensed practical nurse licensed under Chapter 4723. 27285

of the Revised Code;	27286
(c) A physician assistant licensed under Chapter 4730. of the Revised Code.	27287 27288
(4) "Local health department" means a department operated by a board of health of a city or general health district or the authority having the duties of a board of health as described in section 3709.05 of the Revised Code.	27289 27290 27291 27292
(5) "School employee" or "employee" means either of the following:	27293 27294
(a) A person employed by a board of education or governing authority;	27295 27296
(b) A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a city, local, exempted village, or joint vocational school district or a chartered nonpublic school.	27297 27298 27299 27300
(6) "Treating practitioner" means any of the following who has primary responsibility for treating a student's diabetes and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student:	27301 27302 27303 27304 27305
(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	27306 27307 27308
(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42	27309 27310 27311 27312 27313

of the Revised Code; 27314

(c) A physician assistant who holds a license issued under 27315
Chapter 4730. of the Revised Code, holds a valid prescriber 27316
number issued by the state medical board, and has been granted 27317
physician-delegated prescriptive authority. 27318

(7) "504 plan" means a plan based on an evaluation 27319
conducted in accordance with section 504 of the "Rehabilitation 27320
Act of 1973," 29 U.S.C. 794, as amended. 27321

(B) (1) Each board of education or governing authority 27322
shall ensure that each student enrolled in the school district 27323
or chartered nonpublic school who has diabetes receives 27324
appropriate and needed diabetes care in accordance with an order 27325
signed by the student's treating practitioner. The diabetes care 27326
to be provided includes any of the following: 27327

(a) Checking and recording blood glucose levels and ketone 27328
levels or assisting the student with checking and recording 27329
these levels; 27330

(b) Responding to blood glucose levels that are outside of 27331
the student's target range; 27332

(c) In the case of severe hypoglycemia, administering 27333
glucagon and other emergency treatments as prescribed; 27334

(d) Administering insulin or assisting the student in 27335
self-administering insulin through the insulin delivery system 27336
the student uses; 27337

(e) Providing oral diabetes medications; 27338

(f) Understanding recommended schedules and food intake 27339
for meals and snacks in order to calculate medication dosages 27340
pursuant to the order of the student's treating practitioner; 27341

(g) Following the treating practitioner's instructions 27342
regarding meals, snacks, and physical activity; 27343

(h) Administering diabetes medication, as long as the 27344
conditions prescribed in division (C) of this section are 27345
satisfied. 27346

(2) Not later than fourteen days after receipt of an order 27347
signed by the treating practitioner of a student with diabetes, 27348
the board of education or governing authority shall inform the 27349
student's parent, guardian, or other person having care or 27350
charge of the student that the student may be entitled to a 504 27351
plan regarding the student's diabetes. The department of 27352
education and workforce shall develop a 504 plan information 27353
sheet for use by a board of education or governing authority 27354
when informing a student's parent, guardian, or other person 27355
having care or charge of the student that the student may be 27356
entitled to a 504 plan regarding the student's diabetes. 27357

(C) Notwithstanding division (B) of section 3313.713 of 27358
the Revised Code or any other provision of the Revised Code, 27359
diabetes medication may be administered under this section by a 27360
school nurse or, in the absence of a school nurse, a school 27361
employee who is trained in diabetes care under division (E) of 27362
this section. Medication administration may be provided under 27363
this section only when the conditions prescribed in division (C) 27364
of section 3313.713 of the Revised Code are satisfied. 27365

Notwithstanding division (D) of section 3313.713 of the 27366
Revised Code, medication that is to be administered under this 27367
section may be kept in an easily accessible location. 27368

(D) (1) The department of education and workforce shall 27369
adopt nationally recognized guidelines, as determined by the 27370

department, for the training of school employees in diabetes 27371
care for students. In doing so, the department shall consult 27372
with the department of health, the American diabetes 27373
association, and the Ohio school nurses association. The 27374
department may consult with any other organizations as 27375
determined appropriate by the department. 27376

(2) The guidelines shall address all of the following 27377
issues: 27378

(a) Recognizing the symptoms of hypoglycemia and 27379
hyperglycemia; 27380

(b) The appropriate treatment for a student who exhibits 27381
the symptoms of hypoglycemia or hyperglycemia; 27382

(c) Recognizing situations that require the provision of 27383
emergency medical assistance to a student; 27384

(d) Understanding the appropriate treatment for a student, 27385
based on an order issued by the student's treating practitioner, 27386
if the student's blood glucose level is not within the target 27387
range indicated by the order; 27388

(e) Understanding the instructions in an order issued by a 27389
student's treating practitioner concerning necessary 27390
medications; 27391

(f) Performing blood glucose and ketone tests for a 27392
student in accordance with an order issued by the student's 27393
treating practitioner and recording the results of those tests; 27394

(g) Administering insulin, glucagon, or other medication 27395
to a student in accordance with an order issued by the student's 27396
treating practitioner and recording the results of the 27397
administration; 27398

(h) Understanding the relationship between the diet 27399
recommended in an order issued by a student's treating 27400
practitioner and actions that may be taken if the recommended 27401
diet is not followed. 27402

(E) (1) To ensure that a student with diabetes receives the 27403
diabetes care specified in division (B) of this section, a board 27404
of education or governing authority may provide training that 27405
complies with the guidelines developed under division (D) of 27406
this section to a school employee at each school attended by a 27407
student with diabetes. With respect to any training provided, 27408
all of the following apply: 27409

(a) The training shall be coordinated by a school nurse 27410
or, if the school does not employ a school nurse, a licensed 27411
health care professional with expertise in diabetes who is 27412
approved by the school to provide the training. 27413

(b) The training shall take place prior to the beginning 27414
of each school year or, as needed, not later than fourteen days 27415
after receipt by the board of education or governing authority 27416
of an order signed by the treating practitioner of a student 27417
with diabetes. 27418

(c) On completion of the training, the board of education 27419
or governing authority, in a manner it determines, shall 27420
determine whether each employee trained is competent to provide 27421
diabetes care. 27422

(d) The school nurse or approved licensed health care 27423
professional with expertise in diabetes care shall promptly 27424
provide all necessary follow-up training and supervision to an 27425
employee who receives training. 27426

(2) The principal of a school attended by a student with 27427

diabetes or another school official authorized to act on behalf 27428
of the principal may distribute a written notice to each 27429
employee containing all of the following: 27430

(a) A statement that the school is required to provide 27431
diabetes care to a student with diabetes and is seeking 27432
employees who are willing to be trained to provide that care; 27433

(b) A description of the tasks to be performed; 27434

(c) A statement that participation is voluntary and that 27435
the school district or governing authority will not take action 27436
against an employee who does not agree to provide diabetes care; 27437

(d) A statement that training will be provided by a 27438
licensed health care professional to an employee who agrees to 27439
provide care; 27440

(e) A statement that a trained employee is immune from 27441
liability under division (J) of this section; 27442

(f) The name of the individual who should be contacted if 27443
an employee is interested in providing diabetes care. 27444

(3) No employee of a board of education or governing 27445
authority shall be subject to a penalty or disciplinary action 27446
under school or district policies for refusing to volunteer to 27447
be trained in diabetes care. 27448

(4) No board or governing authority shall discourage 27449
employees from agreeing to provide diabetes care under this 27450
section. 27451

(F) A board of education or governing authority may 27452
provide training in the recognition of hypoglycemia and 27453
hyperglycemia and actions to take in response to emergency 27454
situations involving these conditions to both of the following: 27455

(1) A school employee who has primary responsibility for supervising a student with diabetes during some portion of the school day; 27456
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(2) A bus driver employed by a school district or chartered nonpublic school responsible for the transportation of a student with diabetes. 27459
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(G) A student with diabetes shall be permitted to attend the school the student would otherwise attend if the student did not have diabetes and the diabetes care specified in division (B) of this section shall be provided at the school. A board of education or governing authority shall not restrict a student who has diabetes from attending the school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have an employee trained in diabetes care. The school shall not require or pressure a parent, guardian, or other person having care or charge of a student to provide diabetes care for the student with diabetes at school or school-related activities. 27462
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(H) (1) Notwithstanding section 3313.713 of the Revised Code or any policy adopted under that section and except as provided in division (H) (2) of this section, on written request of the parent, guardian, or other person having care or charge of a student and authorization by the student's treating practitioner, a student with diabetes shall be permitted during regular school hours and school-sponsored activities to attend to the care and management of the student's diabetes in accordance with the order issued by the student's treating practitioner if the student's treating practitioner determines that the student is capable of performing diabetes care tasks. The student shall be permitted to perform diabetes care tasks in 27474
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a classroom, in any area of the school or school grounds, and at 27486
any school-related activity, and to possess on the student's 27487
self at all times all necessary supplies and equipment to 27488
perform these tasks. If the student or the parent, guardian, or 27489
other person having care or charge of the student so requests, 27490
the student shall have access to a private area for performing 27491
diabetes care tasks. 27492

(2) If the student performs any diabetes care tasks or 27493
uses medical equipment for purposes other than the student's own 27494
care, the board of education or governing authority may revoke 27495
the student's permission to attend to the care and management of 27496
the student's diabetes. 27497

(I) (1) Notwithstanding any other provision of the Revised 27498
Code to the contrary, a licensed health care professional shall 27499
be permitted to provide training to a school employee under 27500
division (E) of this section or to supervise the employee in 27501
performing diabetes care tasks. 27502

(2) Nothing in this section diminishes the rights of 27503
eligible students or the obligations of school districts or 27504
governing authorities under the "Individuals with Disabilities 27505
Education Act," 20 U.S.C. 1400 et seq., section 504 of the 27506
"Rehabilitation Act," 29 U.S.C. 794, or the "Americans with 27507
Disabilities Act," 42 U.S.C. 12101 et seq. 27508

(J) (1) A school or school district, a member of a board or 27509
governing authority, or a district or school employee is not 27510
liable in damages in a civil action for injury, death, or loss 27511
to person or property allegedly arising from providing care or 27512
performing duties under this section unless the act or omission 27513
constitutes willful or wanton misconduct. 27514

This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a board of education or governing authority, or district or school employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(2) A school employee shall not be subject to disciplinary action under school or district policies for providing care or performing duties under this section.

(3) A school nurse or other licensed health care professional shall be immune from disciplinary action by the board of nursing or any other regulatory board for providing care or performing duties under this section if the care provided or duties performed are consistent with applicable professional standards.

(K) (1) Not later than the last day of December of each year, a board of education or governing authority shall report to the department of education and workforce both of the following:

(a) The number of students with diabetes enrolled in the school district or chartered nonpublic school during the previous school year;

(b) The number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year.

(2) Not later than the last day of March of each year, the department shall issue a report summarizing the information received by the department under division (K) (1) of this section for the previous school year. The department shall make the

report available on its internet web site. 27544

Sec. 3313.7113. (A) As used in this section, "inhaler" 27545
means a device that delivers medication to alleviate asthmatic 27546
symptoms, is manufactured in the form of a metered dose inhaler 27547
or dry powdered inhaler, and may include a spacer, holding 27548
chamber, or other device that attaches to the inhaler and is 27549
used to improve the delivery of the medication. 27550

(B) The board of education of each city, local, exempted 27551
village, or joint vocational school district may procure 27552
inhalers for each school operated by the district to have on the 27553
school premises for use in emergency situations identified under 27554
division (D) (5) of this section. A district board that elects to 27555
procure inhalers under this section is encouraged to maintain, 27556
at all times, at least two inhalers at each school operated by 27557
the district. 27558

(C) A district board that elects to procure inhalers under 27559
this section shall require the district's superintendent to 27560
adopt a policy governing their maintenance and use. Before 27561
adopting the policy, the superintendent shall consult with a 27562
licensed health professional authorized to prescribe drugs, as 27563
defined in section 4729.01 of the Revised Code. 27564

(D) A component of a policy adopted by a superintendent 27565
under division (C) of this section shall be a prescriber-issued 27566
protocol specifying definitive orders for inhalers, including 27567
the dosages of medication to be administered through them, the 27568
number of times that each inhaler may be used before disposal, 27569
and the methods of disposal. The policy also shall do all of the 27570
following: 27571

(1) Identify the one or more locations in each school 27572

operated by the district in which an inhaler must be stored;	27573
(2) Specify the conditions under which an inhaler must be stored, replaced, and disposed;	27574 27575
(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse or an athletic trainer, licensed under Chapter 4755. of the Revised Code, who may access and use an inhaler to provide a dosage of medication to an individual in an emergency situation identified under division (D) (5) of this section;	27576 27577 27578 27579 27580 27581
(4) Specify any training that employees or contractors specified under division (D) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an inhaler;	27582 27583 27584 27585
(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which a school nurse, athletic trainer, or other employees or contractors specified under division (D) (3) of this section may access and use an inhaler;	27586 27587 27588 27589 27590
(6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee or contractor, other than a school nurse, athletic trainer, or another licensed health professional, uses an inhaler;	27591 27592 27593 27594
(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D) (5) of this section.	27595 27596 27597 27598 27599
(E) A school or school district, a member of a district board of education, or a district or school employee or	27600 27601

contractor is not liable in damages in a civil action for 27602
injury, death, or loss to person or property that allegedly 27603
arises from an act or omission associated with procuring, 27604
maintaining, accessing, or using an inhaler under this section, 27605
unless the act or omission constitutes willful or wanton 27606
misconduct. 27607

This section does not eliminate, limit, or reduce any 27608
other immunity or defense that a school or school district, 27609
member of a district board of education, or district or school 27610
employee or contractor may be entitled to under Chapter 2744. or 27611
any other provision of the Revised Code or under the common law 27612
of this state. 27613

(F) A school district board of education may accept 27614
donations of inhalers from a wholesale distributor of dangerous 27615
drugs or a manufacturer of dangerous drugs, as defined in 27616
section 4729.01 of the Revised Code, and may accept donations of 27617
money from any person to purchase inhalers. 27618

(G) A district board that elects to procure inhalers under 27619
this section shall report to the department of education and 27620
workforce each procurement and occurrence in which an inhaler is 27621
used from a school's supply of inhalers. 27622

Sec. 3313.7114. (A) As used in this section, "inhaler" has 27623
the same meaning as in section 3313.7113 of the Revised Code. 27624

(B) With the approval of its governing authority, a 27625
chartered or nonchartered nonpublic school may procure inhalers 27626
in the manner prescribed by section 3313.7113 of the Revised 27627
Code. A chartered or nonchartered nonpublic school that elects 27628
to do so shall comply with all provisions of that section as if 27629
it were a school district. 27630

(C) A chartered or nonchartered nonpublic school, a member
of a chartered or nonchartered nonpublic school governing
authority, or an employee or contractor of the school is not
liable in damages in a civil action for injury, death, or loss
to person or property that allegedly arises from an act or
omission associated with procuring, maintaining, accessing, or
using an inhaler under this section, unless the act or omission
constitutes willful or wanton misconduct.

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(D) A chartered or nonchartered nonpublic school may
accept donations of inhalers from a wholesale distributor of
dangerous drugs or a manufacturer of dangerous drugs, as defined
in section 4729.01 of the Revised Code, and may accept donations
of money from any person to purchase inhalers.

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(E) A chartered or nonchartered nonpublic school that
elects to procure inhalers under this section shall report to
the department of education and workforce each procurement and
occurrence in which an inhaler is used from the school's supply
of inhalers.

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Sec. 3313.7115. (A) As used in this section, "licensed
health professional authorized to prescribe drugs" and
"prescriber" have the same meanings as in section 4729.01 of the
Revised Code.

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(B) The board of education of each city, local, exempted
village, or joint vocational school district may procure
injectable or nasally administered glucagon for each school
operated by the district to have on the school premises for use
in emergency situations identified under division (D) (5) of this
section by doing one of the following:

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(1) Having a licensed health professional authorized to

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prescribe drugs, acting in accordance with section 4723.484, 27660
4730.434, or 4731.92 of the Revised Code, personally furnish the 27661
injectable or nasally administered glucagon to the school or 27662
school district or issue a prescription for the drug in the name 27663
of the school or district; 27664

(2) Having the district's superintendent obtain a 27665
prescriber-issued protocol that includes definitive orders for 27666
injectable or nasally administered glucagon and the dosages to 27667
be administered. 27668

A district board that elects to procure injectable or 27669
nasally administered glucagon under this section is encouraged 27670
to maintain, at all times, at least two doses of the drug at 27671
each school operated by the district. 27672

(C) A district board that elects to procure injectable or 27673
nasally administered glucagon under this section shall require 27674
the district's superintendent to adopt a policy governing 27675
maintenance and use of the drug. Before adopting the policy, the 27676
superintendent shall consult with a licensed health professional 27677
authorized to prescribe drugs. 27678

(D) The policy adopted under division (C) of this section 27679
shall do all of the following: 27680

(1) Identify the one or more locations in each school 27681
operated by the district in which injectable or nasally 27682
administered glucagon must be stored; 27683

(2) Specify the conditions under which injectable or 27684
nasally administered glucagon must be stored, replaced, and 27685
disposed; 27686

(3) Specify the individuals employed by or under contract 27687
with the district board, in addition to a school nurse licensed 27688

under section 3319.221 of the Revised Code or an athletic 27689
trainer licensed under Chapter 4755. of the Revised Code, who 27690
may access and use injectable or nasally administered glucagon 27691
in an emergency situation identified under division (D) (5) of 27692
this section; 27693

(4) Specify any training that employees or contractors 27694
specified under division (D) (3) of this section, other than a 27695
school nurse or athletic trainer, must complete before being 27696
authorized to access and use injectable or nasally administered 27697
glucagon; 27698

(5) Identify the emergency situations in which a school 27699
nurse, athletic trainer, or other employees or contractors 27700
specified under division (D) (3) of this section may access and 27701
use injectable or nasally administered glucagon; 27702

(6) Specify that assistance from an emergency medical 27703
service provider must be requested immediately after a dose of 27704
glucagon is administered; 27705

(7) Specify the individuals, if any, in addition to 27706
students, to whom a dose of glucagon may be administered in an 27707
emergency situation specified under division (D) (5) of this 27708
section. 27709

(E) (1) The following are not liable in damages in a civil 27710
action for injury, death, or loss to person or property that 27711
allegedly arises from an act or omission associated with 27712
procuring, maintaining, accessing, or using injectable or 27713
nasally administered glucagon under this section, unless the act 27714
or omission constitutes willful or wanton misconduct: 27715

(a) A school or school district; 27716

(b) A member of a district board of education; 27717

(c) A district or school employee or contractor; 27718

(d) A licensed health professional authorized to prescribe 27719
drugs who personally furnishes or prescribes injectable or 27720
nasally administered glucagon, consults with a superintendent, 27721
or issues a protocol pursuant to this section. 27722

(2) This section does not eliminate, limit, or reduce any 27723
other immunity or defense that a school or school district, 27724
member of a district board of education, district or school 27725
employee or contractor, or licensed health professional may be 27726
entitled to under Chapter 2744. or any other provision of the 27727
Revised Code or under the common law of this state. 27728

(F) A school district board of education may accept 27729
donations of injectable or nasally administered glucagon from a 27730
wholesale distributor of dangerous drugs or manufacturer of 27731
dangerous drugs, as defined in section 4729.01 of the Revised 27732
Code, and may accept donations of money from any person to 27733
purchase the drug. 27734

(G) A district board that elects to procure injectable or 27735
nasally administered glucagon under this section shall report to 27736
the department of education and workforce each procurement and 27737
each occurrence in which a dose of the drug is used from a 27738
school's supply. 27739

Sec. 3313.7116. (A) With the approval of its governing 27740
authority, a chartered or nonchartered nonpublic school may 27741
procure injectable or nasally administered glucagon in the 27742
manner prescribed by section 3313.7115 of the Revised Code. A 27743
chartered or nonchartered nonpublic school that elects to do so 27744
shall comply with all provisions of that section as if it were a 27745
school district. 27746

(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:	27747
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(a) A chartered or nonchartered nonpublic school;	27753
(b) A member of a chartered or nonchartered nonpublic school governing authority;	27754
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(c) An employee or contractor of the school;	27756
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section.	27757
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(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered or nonchartered nonpublic school governing authority, chartered or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.	27761
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(C) A chartered or nonchartered nonpublic school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.	27768
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(D) A chartered or nonchartered nonpublic school that elects to procure injectable or nasally administered glucagon	27774
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under this section shall report to the department of education_ 27776
and workforce each procurement and each occurrence in which a 27777
dose of the drug is used from the school's supply. 27778

Sec. 3313.81. The board of education of any city, exempted 27779
village, or local school district may establish food service, 27780
provide facilities and equipment, and pay operating costs in the 27781
schools under its control for the preparation and serving of 27782
lunches, and other meals or refreshments to the pupils, 27783
employees of the board of education employed therein, and to 27784
other persons taking part in or patronizing any activity in 27785
connection with the schools. A board of education that operates 27786
such a food service may also provide meals at cost to residents 27787
of the school district who are sixty years of age or older or 27788
may contract with public or private nonprofit organizations 27789
providing services to the elderly to provide nutritious meals 27790
for persons who are sixty years of age or older. Restrictions or 27791
limitations upon the privileges or use of facilities by any 27792
pupil, employee, person taking part in or patronizing a school- 27793
related activity, or elderly person must be applied equally to 27794
all pupils, all employees, all persons taking part in or 27795
patronizing a school-related activity, or elderly persons, 27796
respectively, except that a board may expend school funds other 27797
than funds from federally reimbursed moneys or student payments 27798
to provide meals at no charge to senior citizens performing 27799
volunteer services in the district's schools in accordance with 28000
a volunteer program approved by the board. 28001

Such facilities shall be under the management and control 28002
of the board and the operation of such facilities for school 28003
food service purposes or to provide meals for the elderly shall 28004
not be for profit. In the operation of such facilities for 28005
school food service purposes there shall be established a food 28006

service fund in the treasurer's cash journal, which shall be 27807
separate from all other funds of the board. All receipts and 27808
disbursements in connection with the operation of food service 27809
for school food service purposes and the maintenance, 27810
improvement, and purchase of equipment for school food service 27811
purposes shall be paid directly into and disbursed from the food 27812
service fund which shall be kept in a legally designated 27813
depository of the board. Revenues for the operation, 27814
maintenance, improvement, and purchase of equipment shall be 27815
provided by the food service fund, appropriations transferred 27816
from the general fund, federal funds, and from other proper 27817
sources. Records of receipts and disbursements resulting from 27818
the provision of meals for the elderly shall be separately 27819
maintained, in accordance with section 3313.29 of the Revised 27820
Code. 27821

The enforcement of this section shall be under 27822
jurisdiction of the ~~state board~~ department of education and 27823
workforce. 27824

Sec. 3313.811. No board, the principal or teacher of any 27825
schoolroom, or class organization of any school district shall 27826
sell or offer for sale, or supervise the sale of uniform school 27827
supplies, foods, candies, or like supplies for profit on the 27828
school premises except when the profit derived from such sale is 27829
to be used for school purposes or for any activity in connection 27830
with the school on whose premises such uniform school supplies, 27831
food, candies, or supplies are sold or offered for sale. No 27832
individual student or class of students, acting as an agent for 27833
any person or group of persons directly connected with the 27834
school shall sell or offer for sale for profit outside the 27835
school building, any such articles, except when the profit 27836
derived from such sale is to be used for school purposes or for 27837

any activity in connection with the school. 27838

Uniform school supplies are those adopted by the board for 27839
use in the schools of the district. 27840

The enforcement of this section shall be under the 27841
jurisdiction of the ~~state board~~ department of education and
workforce. 27842
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The school district board of education shall provide 27844
revolving accounts for the purchase and sale of uniform school 27845
supplies either by appropriations from the general fund or 27846
accumulation from sales or receipts. Such accounts shall be kept 27847
separate from other transactions of the board. 27848

Sec. 3313.813. (A) As used in this section: 27849

(1) "Outdoor education center" means a public or nonprofit 27850
private entity that provides to pupils enrolled in any public or 27851
chartered nonpublic elementary or secondary school an outdoor 27852
educational curriculum that the school considers to be part of 27853
its educational program. 27854

(2) "Outside-school-hours care center" has the meaning 27855
established in 7 C.F.R. 226.2. 27856

(B) The ~~state board~~ department of education and workforce 27857
shall establish standards for a school lunch program, school 27858
breakfast program, child and adult care food program, special 27859
food service program for children, summer food service program 27860
for children, special milk program for children, food service 27861
equipment assistance program, and commodity distribution program 27862
established under the "National School Lunch Act," 60 Stat. 230 27863
(1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act 27864
of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. Any board of 27865
education of a school district, nonprofit private school, 27866

outdoor education center, child care institution, outside- 27867
school-hours care center, or summer camp desiring to participate 27868
in such a program or required to participate under this section 27869
shall, if eligible to participate under the "National School 27870
Lunch Act," as amended, or the "Child Nutrition Act of 1966," as 27871
amended, make application to the ~~state board of education~~ 27872
department for assistance. The board shall administer the 27873
allocation and distribution of all state and federal funds for 27874
these programs. 27875

(C) The ~~state board of education~~ department shall require 27876
the board of education of each school district to establish and 27877
maintain a school breakfast, lunch, and summer food service 27878
program pursuant to the "National School Lunch Act" and the 27879
"Child Nutrition Act of 1966," as described in divisions (C) (1) 27880
to (4) of this section. 27881

(1) The ~~state board~~ department shall require the board of 27882
education in each school district to establish a breakfast 27883
program in every school where at least one-fifth of the pupils 27884
in the school are eligible under federal requirements for free 27885
breakfasts and to establish a lunch program in every school 27886
where at least one-fifth of the pupils are eligible for free 27887
lunches. The board of education required to establish a 27888
breakfast program under this division may make a charge in 27889
accordance with federal requirements for each reduced price 27890
breakfast or paid breakfast to cover the cost incurred in 27891
providing that meal. 27892

(2) The ~~state board~~ department shall require the board of 27893
education in each school district to establish a breakfast 27894
program in every school in which the parents of at least one- 27895
half of the children enrolled in the school have requested that 27896

the breakfast program be established. The board of education 27897
required to establish a program under this division may make a 27898
charge in accordance with federal requirements for each meal to 27899
cover all or part of the costs incurred in establishing such a 27900
program. 27901

A breakfast program established under division (C) (1) or 27902
(2) of this section shall be operated in accordance with section 27903
3313.818 of the Revised Code in any school meeting the 27904
conditions prescribed by that section. 27905

(3) The ~~state board~~ department shall require the board of 27906
education in each school district to establish one of the 27907
following for summer intervention services described in division 27908
(D) of section 3301.0711 or provided under section 3313.608 of 27909
the Revised Code, and any other summer intervention program 27910
required by law: 27911

(a) An extension of the school breakfast program pursuant 27912
to the "National School Lunch Act" and the "Child Nutrition Act 27913
of 1966"; 27914

(b) An extension of the school lunch program pursuant to 27915
those acts; 27916

(c) A summer food service program pursuant to those acts. 27917

(4) (a) If the board of education of a school district 27918
determines that, for financial reasons, it cannot comply with 27919
division (C) (1) or (3) of this section, the district board may 27920
choose not to comply with either or both divisions, except as 27921
provided in divisions (C) (4) (b) and (c) of this section. The 27922
district board publicly shall communicate to the residents of 27923
the district, in the manner it determines appropriate, its 27924
decision not to comply. 27925

(b) If a district board chooses not to comply with 27926
division (C)(1) of this section, the ~~state board~~ department 27927
nevertheless shall require the district board to establish a 27928
breakfast program in every school where at least one-third of 27929
the pupils in the school are eligible under federal requirements 27930
for free breakfasts and to establish a lunch program in every 27931
school where at least one-third of the pupils are eligible for 27932
free lunches. The district board may make a charge in accordance 27933
with federal requirements for each reduced price breakfast or 27934
paid breakfast to cover the cost incurred in providing that 27935
meal. 27936

(c) If the board of education of a school district chooses 27937
not to comply with division (C)(3) of this section, the ~~state~~ 27938
~~board~~ department nevertheless shall require the district board 27939
to permit an approved summer food service program sponsor to use 27940
school facilities located in a school building attendance area 27941
where at least one-half of the pupils are eligible for free 27942
lunches. 27943

The department ~~of education~~ shall post in a prominent 27944
location on the department's web site a list of approved summer 27945
food service program sponsors that may use school facilities 27946
under this division. 27947

Subject to the provisions of sections 3313.75 and 3313.77 27948
of the Revised Code, a school district may charge the summer 27949
food service program sponsor a reasonable fee for the use of 27950
school facilities that may include the actual cost of custodial 27951
services, charges for the use of school equipment, and a 27952
prorated share of the utility costs as determined by the 27953
district board. A school district shall require the summer food 27954
service program sponsor to indemnify and hold harmless the 27955

district from any potential liability resulting from the 27956
operation of the summer food service program under this 27957
division. For this purpose, the district shall either add the 27958
summer food service program sponsor, as an additional insured 27959
party, to the district's existing liability insurance policy or 27960
require the summer food service program sponsor to submit 27961
evidence of a separate liability insurance policy, for an amount 27962
approved by the district board. The summer food service program 27963
sponsor shall be responsible for any costs incurred in obtaining 27964
coverage under either option. 27965

(d) If a school district cannot for good cause comply with 27966
the requirements of division (C) (2) or (4) (b) or (c) of this 27967
section at the time the ~~state board~~ department determines that a 27968
district is subject to these requirements, the ~~state board~~ 27969
department shall grant a reasonable extension of time. Good 27970
cause for an extension of time shall include, but need not be 27971
limited to, economic impossibility of compliance with the 27972
requirements at the time the ~~state board~~ department determines 27973
that a district is subject to them. 27974

(D) (1) The ~~state board~~ department shall accept the 27975
application of any outdoor education center in the state making 27976
application for participation in a program pursuant to division 27977
(B) of this section. 27978

(2) For purposes of participation in any program pursuant 27979
to this section, the board shall certify any outdoor education 27980
center making application as an educational unit that is part of 27981
the educational system of the state, if the center: 27982

(a) Meets the definition of an outdoor education center; 27983

(b) Provides its outdoor education curriculum to pupils on 27984

an overnight basis so that pupils are in residence at the center 27985
for more than twenty-four consecutive hours; 27986

(c) Operates under public or nonprofit private ownership 27987
in a single building or complex of buildings. 27988

(3) The board shall approve any outdoor education center 27989
certified under this division for participation in the program 27990
for which the center is making application on the same basis as 27991
any other applicant for that program. 27992

(E) Any school district board of education or chartered 27993
nonpublic school that participates in a breakfast program 27994
pursuant to this section may offer breakfast to pupils in their 27995
classrooms during the school day. However, any school that is 27996
subject to section 3313.818 of the Revised Code shall offer 27997
breakfast to pupils in accordance with that section. 27998

(F) Notwithstanding anything in this section to the 27999
contrary, in each fiscal year in which the general assembly 28000
appropriates funds for purposes of this division, the board of 28001
education of each school district and each chartered nonpublic 28002
school that participates in a breakfast program pursuant to this 28003
section shall provide a breakfast free of charge to each pupil 28004
who is eligible under federal requirements for a reduced price 28005
breakfast. 28006

Sec. 3313.814. (A) As used in this section and sections 28007
3313.816 and 3313.817 of the Revised Code: 28008

(1) "A la carte item" means an individually priced food or 28009
beverage item that is available for sale to students through any 28010
of the following: 28011

(a) A school food service program; 28012

(b) A vending machine located on school property;	28013
(c) A store operated by the school, a student association, or other school-sponsored organization.	28014 28015
"A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day.	28016 28017 28018 28019 28020 28021 28022 28023 28024 28025 28026
(2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.	28027 28028 28029 28030
(3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.	28031 28032 28033 28034 28035
(4) "Regular school day" means the period each school day between the designated arrival time for students and the end of the final instructional period.	28036 28037 28038
(5) "Reimbursable meal" means a meal that is provided to students through a school breakfast or lunch program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42	28039 28040 28041

U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 28042
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 28043
criteria for reimbursement established by the United States 28044
department of agriculture. 28045

(6) "School food service program" means a school food 28046
service program operated under section 3313.81 or 3313.813 of 28047
the Revised Code. 28048

(B) Each school district board of education and each 28049
chartered nonpublic school governing authority shall adopt and 28050
enforce nutrition standards governing the types of food and 28051
beverages that may be sold on the premises of its schools, and 28052
specifying the time and place each type of food or beverage may 28053
be sold. 28054

(1) In adopting the standards, the board or governing 28055
authority shall do all of the following: 28056

(a) Consider the nutritional value of each food or 28057
beverage; 28058

(b) Consult with a dietitian licensed under Chapter 4759. 28059
of the Revised Code, a dietetic technician registered by the 28060
commission on dietetic registration, or a school nutrition 28061
specialist certified or credentialed by the school nutrition 28062
association. The person with whom the board or governing 28063
authority consults may be an employee of the board or governing 28064
authority, a person contracted by the board or governing 28065
authority, or a volunteer, provided the person meets the 28066
requirements of this division. 28067

(c) Consult the dietary guidelines for Americans jointly 28068
developed by the United States department of agriculture and the 28069
United States department of health and human services and, to 28070

the maximum extent possible, incorporate the guidelines into the standards. 28071
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(2) No food or beverage may be sold on any school premises except in accordance with the standards adopted by the board or governing authority. 28073
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(3) The standards shall comply with sections 3313.816 and 3313.817 of the Revised Code, but nothing in this section shall prohibit the standards from being more restrictive than otherwise required by those sections. 28076
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(C) The nutrition standards adopted under this section shall prohibit the placement of vending machines in any classroom where students are provided instruction, unless the classroom also is used to serve students meals. This division does not apply to vending machines that sell only milk, reimbursable meals, or food and beverage items that are part of a reimbursable meal and are available for sale as individually priced items in serving portions of the same size as in the reimbursable meal. 28080
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(D) Each board or governing authority shall designate staff to be responsible for ensuring that the school district or school meets the nutrition standards adopted under this section. The staff shall prepare an annual report regarding the district's or school's compliance with the standards and include it in the report to the department of education and workforce prescribed in section 3301.68 of the Revised Code. The board or governing authority annually shall schedule a presentation on the nutrition standards report at one of its regular meetings. Each district or school shall make copies of the nutrition standards report available to the public upon request. 28089
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(E) The ~~state board~~ department of education and workforce shall formulate and adopt guidelines, which boards of education and chartered nonpublic schools may follow in enforcing and implementing this section.

Sec. 3313.815. (A) Any school district or nonpublic school that operates a food service program pursuant to section 3313.81 or 3313.813 of the Revised Code shall require at least one employee who has received instruction in methods to prevent choking and has demonstrated an ability to perform the Heimlich maneuver to be present while students are being served food.

The department of education and workforce shall establish guidelines for use by districts and schools in implementing this section.

(B) Any nonpublic school or employee of a nonpublic school is not liable in damages in a civil action for injury, death, or loss to person or property allegedly caused by an act or omission of the nonpublic school or an employee of the nonpublic school in connection with performance of the duties required under division (A) of this section unless such act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(C) This section does not create a new cause of action or substantive legal right against any person.

Sec. 3313.817. (A) When the department of education and workforce is able to obtain free of charge computer software for assessing the nutritional value of foods that does all of the following, the department shall make that software available free of charge to each public and chartered nonpublic school:

(1) Rates the healthiness of foods based on nutrient

density;	28129
(2) Assesses the amount of calories, total fat, saturated fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, and vitamin C in each food item;	28130 28131 28132
(3) Evaluates the nutritional value of foods based on the dietary guidelines for Americans jointly developed by the United States department of agriculture and United States department of health and human services as they pertain to children and adolescents.	28133 28134 28135 28136 28137
(B) Each public and chartered nonpublic school shall use the software provided by the department under this section to determine the nutritional value of each a la carte food item available for sale at the school.	28138 28139 28140 28141
(C) When the department provides software under this section, each public and chartered nonpublic school shall comply with all of the following requirements:	28142 28143 28144
(1) No a la carte food item shall be in the lowest rated category of foods designated by the software.	28145 28146
(2) In the first school year in which the school is subject to this section, at least twenty per cent of the a la carte food items available for sale from each of the following sources during the regular and extended school day shall be in the highest rated category of foods designated by the software and in each school year thereafter, at least forty per cent of the a la carte food items available for sale from each of the following sources during the regular and extended school day shall be in that category:	28147 28148 28149 28150 28151 28152 28153 28154 28155
(a) A school food service program;	28156

(b) A vending machine located on school property;	28157
(c) A store operated by the school, a student association, or other school-sponsored organization.	28158 28159
(3) Each a la carte food item that is not in the highest rated category of foods designated by the software shall meet at least two of the following criteria:	28160 28161 28162
(a) It contains at least five grams of protein.	28163
(b) It contains at least ten per cent of the recommended daily value of fiber.	28164 28165
(c) It contains at least ten per cent of the recommended daily value of calcium.	28166 28167
(d) It contains at least ten per cent of the recommended daily value of iron.	28168 28169
(e) It contains at least ten per cent of the recommended daily value of vitamin A.	28170 28171
(f) It contains at least ten per cent of the recommended daily value of vitamin C.	28172 28173
(D) As an alternative to complying with division (C) of this section, a public or chartered nonpublic school may comply with the most recent guidelines for competitive foods issued by the alliance for a healthier generation with respect to the sale of a la carte food items.	28174 28175 28176 28177 28178
Sec. 3313.818. (A) (1) The department of education <u>and</u> <u>workforce</u> shall establish a program under which public schools that meet the conditions prescribed in this section shall offer breakfast to all students either before or during the school day. Each of the following shall apply:	28179 28180 28181 28182 28183

(a) In the first school year after ~~the effective date of~~ 28184
~~this section~~ October 17, 2019, the program shall apply to any 28185
public school in which seventy per cent or more of the students 28186
enrolled in the school during the previous school year were 28187
eligible under federal requirements for free or reduced-price 28188
breakfasts or lunches. 28189

(b) In the second school year after ~~the effective date of~~ 28190
~~this section~~ October 17, 2019, the program shall apply to any 28191
public school in which sixty per cent or more of the students 28192
enrolled in the school during the previous school year were 28193
eligible under federal requirements for free or reduced-price 28194
breakfasts or lunches. 28195

(c) In the third school year after the enactment date of 28196
this section and every school year thereafter, the program shall 28197
apply to any public school in which fifty per cent or more of 28198
the students enrolled in the school during the previous school 28199
year were eligible under federal requirements for free or 28200
reduced-price breakfasts or lunches. 28201

(2) The district superintendent or building principal, in 28202
consultation with the building staff, shall determine the model 28203
for serving breakfast under the program. Each breakfast served 28204
under the program shall comply with federal meal patterns and 28205
nutritional standards and with section 3313.814 of the Revised 28206
Code. A school district board of education may make a charge in 28207
accordance with federal requirements for each meal to cover all 28208
or part of the costs incurred in operating the program. 28209

(B) The department shall publish a list of public schools 28210
that meet the conditions of division (A) of this section. The 28211
department shall offer technical assistance to school districts 28212
and schools regarding the implementation of a school breakfast 28213

program that complies with this section and the submission of 28214
claims for reimbursement under the federal school breakfast 28215
program. 28216

(C) (1) The department shall monitor each school 28217
participating in the program and ensure that each participating 28218
school complies with the requirements of this section. 28219

(2) If the board of education of a school district 28220
determines that, for financial reasons, a school under the 28221
board's control cannot comply with the requirements of this 28222
section or the board already has a successful breakfast program 28223
or partnership in place, the district board may choose not to 28224
comply with those requirements. 28225

(D) Not later than the thirty-first day of December of 28226
each school year, the department shall provide statistical 28227
reports on its web site that specify the number and percentage 28228
of students participating in school breakfast programs 28229
disaggregated by school district and individual schools, 28230
including community schools, established under Chapter 3314. of 28231
the Revised Code, and STEM schools, established under Chapter 28232
3326. of the Revised Code. 28233

(E) Not later than the thirty-first day of December of 28234
each school year, the department shall prepare a report on the 28235
implementation and effectiveness of the program established 28236
under this section and submit the report to the general 28237
assembly, in accordance with section 101.68 of the Revised Code, 28238
and to the governor. The report shall include: 28239

(1) The number of students and participation rates in the 28240
free and reduced-price breakfast programs under this section for 28241
each school building; 28242

(2) The type of breakfast model used by each school	28243
building participating in the breakfast program;	28244
(3) The number of students and participation rates in free	28245
or reduced-price lunch for each school building.	28246
Sec. 3313.821. The superintendent of public	28247
instruction <u>department of education and workforce</u> , in	28248
consultation with the governor's executive workforce board,	28249
shall establish standards for the operation of business advisory	28250
councils established by the board of education of a school	28251
district or the governing board of an educational service center	28252
under section 3313.82 of the Revised Code. The standards adopted	28253
by the state superintendent <u>department</u> shall include at least	28254
the following requirements:	28255
(A) Each advisory council and the board of education or	28256
governing board that established it shall develop a plan by	28257
which the advisory council shall advise the board of at least	28258
those matters specified by the board pursuant to section 3313.82	28259
of the Revised Code.	28260
(B) Each plan developed pursuant to division (A) of this	28261
section shall be filed with the department of education <u>and</u>	28262
<u>workforce</u> .	28263
(C) Each business advisory council shall meet with its	28264
school board at least quarterly.	28265
(D) Each business advisory council and its school board	28266
shall file a joint statement, not later than the first day of	28267
March of each school year, describing how the school district or	28268
service center and its business advisory council has fulfilled	28269
their responsibilities pursuant to this section and section	28270
3313.82 of the Revised Code.	28271

Sec. 3313.843. (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district.

(B) (1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.

(3) Services provided under an agreement entered into under division (B) (1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development programs; academic instruction for which the governing board employs teachers pursuant to section 3319.02 of the Revised Code; assistance in the provision of special accommodations and classes for students with disabilities; or any other services the district board and service center governing board agree can be better provided by the service center and are not provided under an agreement entered into under section 3313.845 of the Revised Code. Services included in

the agreement shall be provided to the district in the manner 28302
specified in the agreement. The district board of education 28303
shall reimburse the educational service center governing board 28304
pursuant to division (H) of this section. 28305

(C) Any agreement entered into pursuant to this section 28306
shall be filed with the department of education and workforce by 28307
the first day of July of the school year for which the agreement 28308
is in effect. 28309

(D) (1) An agreement for services from an educational 28310
service center entered into under this section may be terminated 28311
by the school district board of education, at its option, by 28312
notifying the governing board of the service center by March 1, 28313
2012, or by the first day of January of any odd-numbered year 28314
thereafter, that the district board intends to terminate the 28315
agreement in that year, and that termination shall be effective 28316
on the thirtieth day of June of that year. The failure of a 28317
district board to notify an educational service center of its 28318
intent to terminate an agreement by March 1, 2012, shall result 28319
in renewal of the existing agreement for the following school 28320
year. Thereafter, the failure of a district board to notify an 28321
educational service center of its intent to terminate an 28322
agreement by the first day of January of an odd-numbered year 28323
shall result in renewal of the existing agreement for the 28324
following two school years. 28325

(2) If the school district that terminates an agreement 28326
for services under division (D) (1) of this section is also 28327
subject to the requirement of division (B) (1) of this section, 28328
the district board shall enter into a new agreement with any 28329
educational service center so that the new agreement is 28330
effective on the first day of July of that same year. 28331

(3) If all moneys owed by a school district to an educational service center under an agreement for services terminated under division (D)(1) of this section have been paid in full by the effective date of the termination, the governing board of the service center shall submit an affidavit to the department certifying that fact not later than fifteen days after the termination's effective date. Notwithstanding anything in the Revised Code to the contrary, until the department receives such an affidavit, it shall not make any payments to any other educational service center with which the district enters into an agreement under this section for services that the educational service center provides to the district.

(E) An educational service center may apply to any state or federal agency for competitive grants. It may also apply to any private entity for additional funds.

(F) Not later than January 1, 2014, each educational service center shall post on its web site a list of all of the services that it provides and the corresponding cost for each of those services.

(G) (1) For purposes of calculating any state operating subsidy to be paid to an educational service center for the operation of that service center and any services required under Title XXXIII of the Revised Code to be provided by the service center to a school district, the service center's student count shall be the sum of the total student counts of all the school districts with which the educational service center has entered into an agreement under this section.

(2) When a district enters into a new agreement with a new educational service center, the department ~~of education~~ shall ensure that the state operating subsidy for services provided to

the district is paid to the new educational service center and 28362
that the educational service center with which the district 28363
previously had an agreement is no longer paid a state operating 28364
subsidy for providing services to that district. 28365

(H) Pursuant to division (B) of section 3317.023 of the 28366
Revised Code, the department annually shall deduct from each 28367
school district that enters into an agreement with an 28368
educational service center under this section, and pay to the 28369
service center, an amount equal to six dollars and fifty cents 28370
times the school district's total student count. The district 28371
board of education, or the district superintendent acting on 28372
behalf of the district board, may agree to pay an amount in 28373
excess of six dollars and fifty cents per student in total 28374
student count. If a majority of the boards of education, or 28375
superintendents acting on behalf of the boards, of the districts 28376
that entered into an agreement under this section approve an 28377
amount in excess of six dollars and fifty cents per student in 28378
total student count, each district shall pay the excess amount 28379
to the service center. 28380

(I) (1) An educational service center may enter into a 28381
contract to purchase supplies, materials, equipment, and 28382
services, which may include those specified in division (B) of 28383
this section or Chapter 3312. of the Revised Code, or the 28384
delivery of such services, on behalf of a school district or 28385
political subdivision that has entered into an agreement with 28386
the service center under this section or section 3313.844, 28387
3313.845, or 3313.846 of the Revised Code. 28388

(2) Purchases made by a school district or political 28389
subdivision that has entered into an agreement with the service 28390
center as described in this division are exempt from competitive 28391

bidding required by law for the purchase of supplies, materials, 28392
equipment, or services. No political subdivision shall make any 28393
purchase under this division when the political subdivision has 28394
received bids for such purchase, unless the same terms, 28395
conditions, and specifications at a lower price can be made for 28396
such purchase under this division. 28397

(J) Any school district, community school, or STEM school 28398
that has entered into an agreement with an educational service 28399
center under this section or section 3313.844 or 3313.845 of the 28400
Revised Code shall be in compliance with federal law and exempt 28401
from competitive bidding requirements for personnel-based 28402
services pursuant to the authority granted to the Ohio 28403
department of education and workforce under federal law, 28404
provided the service center has met the following conditions: 28405

(1) It is in compliance with division (F) of this section. 28406

(2) It has been designated "high performing" under rule of 28407
~~the state board of education department.~~ 28408

(3) It has been found to be substantially in compliance 28409
with audit rules and guidelines in its most recent audit by the 28410
auditor of state. 28411

(K) For purposes of this section, a school district's 28412
"total student count" means the average daily student enrollment 28413
reported on the most recent report card issued for the district 28414
pursuant to section 3302.03 of the Revised Code. 28415

Sec. 3313.844. The governing authority of a community 28416
school established under Chapter 3314. of the Revised Code and 28417
the governing board of an educational service center may enter 28418
into an agreement, through adoption of identical resolutions, 28419
under which the service center board will provide services to 28420

the community school. Services provided under the agreement and 28421
the amount and manner in which the community school will pay for 28422
such services shall be mutually agreed to by the school's 28423
governing authority and the service center board, and shall be 28424
specified in the service agreement. If specified in the 28425
agreement as the manner of payment, the department of education_ 28426
and workforce shall pay the service center the amount due to it 28427
under the agreement and shall deduct that amount from the 28428
payments made to the community school under Chapter 3314. of the 28429
Revised Code. Any agreement entered into under this section 28430
shall be valid only if a copy is filed with the department. 28431

Sec. 3313.845. The board of education of a city, exempted 28432
village, local, or joint vocational school district and the 28433
governing board of an educational service center may enter into 28434
an agreement under which the educational service center will 28435
provide services to the school district. Services provided under 28436
the agreement and the amount to be paid for such services shall 28437
be mutually agreed to by the district board of education and the 28438
service center governing board, and shall be specified in the 28439
agreement. Payment for services specified in the agreement shall 28440
be made pursuant to the terms of that agreement. If specified in 28441
the agreement as the manner of payment, the department of 28442
education and workforce shall pay the service center the amount 28443
due to it under the agreement and shall deduct that amount from 28444
the payments made to the city, exempted village, local, or joint 28445
vocational school district under Chapter 3317. of the Revised 28446
Code. Any agreement entered into pursuant to this section shall 28447
be valid only if a copy is filed with the department. 28448

The authority granted under this section to the boards of 28449
education of city, exempted village, and local school districts 28450
is in addition to the authority granted to such boards under 28451

section 3313.843 of the Revised Code. 28452

Sec. 3313.846. The governing board of an educational 28453
service center may enter into a contract with any political 28454
subdivision as defined in section 2744.01 of the Revised Code, 28455
not including school districts, community schools, or STEM 28456
schools contracting for services under section 3313.843, 28457
3313.844, 3313.845, or 3326.45 of the Revised Code, under which 28458
the educational service center will provide services to the 28459
political subdivision. Services provided under the contract and 28460
the amount to be paid for such services shall be mutually agreed 28461
to by the parties and shall be specified in the contract. The 28462
political subdivision shall directly pay an educational service 28463
center for services specified in the contract. The board of the 28464
educational service center shall file a copy of each contract 28465
entered into under this section with the department of education 28466
and workforce by the first day the contract is in effect. 28467

Sec. 3313.90. As used in this section, "formula ADM" has 28468
the same meaning as in section 3317.02 of the Revised Code. 28469
Notwithstanding division (D) of section 3311.19 and division (D) 28470
of section 3311.52 of the Revised Code, the provisions of this 28471
section that apply to a city school district do not apply to any 28472
joint vocational or cooperative education school district. 28473

(A) Except as provided in division (B) of this section, 28474
each city, local, and exempted village school district shall, by 28475
one of the following means, provide to students enrolled in 28476
grades seven through twelve career-technical education adequate 28477
to prepare a student enrolled therein for an occupation: 28478

(1) Establishing and maintaining a career-technical 28479
education program that meets standards adopted by the ~~state~~ 28480
~~board~~ department of education and workforce; 28481

(2) Being a member of a joint vocational school district 28482
that meets standards adopted by the ~~state board~~ department; 28483

(3) Contracting for career-technical education with a 28484
joint vocational school district or another school district that 28485
meets the standards adopted by the ~~state board~~ department. 28486

The standards of the ~~state board of education~~ department 28487
shall include criteria for the participation by nonpublic 28488
students in career-technical education programs without 28489
financial assessment, charge, or tuition to such student except 28490
such assessments, charges, or tuition paid by resident public 28491
school students in such programs. Such nonpublic school students 28492
shall be included in the formula ADM of the school district 28493
maintaining the career-technical education program as part-time 28494
students in proportion to the time spent in the career-technical 28495
education program. 28496

By the thirtieth day of October of each year, the 28497
~~superintendent of public instruction~~ director of education and 28498
workforce shall determine and certify to the superintendent of 28499
each school district subject to this section either that the 28500
district is in compliance with the requirements of this section 28501
for the current school year or that the district is not in 28502
compliance. If the ~~superintendent~~ director certifies that the 28503
district is not in compliance, ~~he~~ the director shall notify the 28504
board of education of the district of the actions necessary to 28505
bring the district into compliance with this section. 28506

In meeting standards established by the ~~state board of~~ 28507
~~education~~ department, school districts, where practicable, shall 28508
provide career-technical education programs in high schools. A 28509
minimum enrollment of fifteen hundred students in grades nine 28510
through twelve is established as a base for comprehensive 28511

career-technical education course offerings. Beginning with the 28512
2015-2016 school year, this base shall increase to a minimum 28513
enrollment of two thousand two hundred fifty students in grades 28514
seven through twelve. A school district may meet this 28515
requirement alone, through a cooperative arrangement pursuant to 28516
section 3313.92 of the Revised Code, through school district 28517
consolidation, by membership in a joint vocational school 28518
district, by contract with a school district, by contract with a 28519
school licensed by any state agency established by the Revised 28520
Code which school operates its courses offered for contracting 28521
with public schools under standards as to staffing and 28522
facilities comparable to those prescribed by the ~~state board of~~ 28523
~~education department~~ for public schools provided no instructor 28524
in such courses shall be required to be certificated by the 28525
~~state department of education~~, or in a combination of such ways. 28526
Exceptions to the minimum enrollment prescribed by this section 28527
may be made by the ~~state board of education department~~ based on 28528
sparsity of population or other factors indicating that 28529
comprehensive educational and career-technical education 28530
programs as required by this section can be provided through an 28531
alternate plan. 28532

(B) If the board of education of a city, local, or 28533
exempted village school district adopts a resolution that 28534
specifies the district's intent not to provide career-technical 28535
education to students enrolled in grades seven and eight for a 28536
particular school year and submits that resolution to the 28537
department by the thirtieth day of September of that school 28538
year, the department shall waive the requirement for that 28539
district to provide career-technical education to students 28540
enrolled in grades seven and eight for that particular school 28541
year. 28542

Sec. 3313.902. (A) As used in this section:	28543
(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education.	28544 28545 28546
(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section.	28547 28548 28549
(3) "Approved program of study" means a program of study offered by an approved institution that satisfies the requirements of division (B) of this section.	28550 28551 28552
(4) An eligible student's "career pathway training program amount" means the following:	28553 28554
(a) If the student is enrolled in a tier one career pathway training program, \$4,800;	28555 28556
(b) If the student is enrolled in a tier two career pathway training program, \$3,200;	28557 28558
(c) If the student is enrolled in a tier three career pathway training program, \$1,600.	28559 28560
(5) "Eligible institution" means any of the following:	28561
(a) A community college established under Chapter 3354. of the Revised Code;	28562 28563
(b) A technical college established under Chapter 3357. of the Revised Code;	28564 28565
(c) A state community college established under Chapter 3358. of the Revised Code;	28566 28567
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	28568 28569

(6) "Eligible student" means an individual who is at least 28570
twenty years of age and has not received a high school diploma 28571
or a certificate of high school equivalence, as defined in 28572
section 4109.06 of the Revised Code. 28573

(7) A "tier one career pathway training program" is a 28574
career pathway training program that requires more than six 28575
hundred hours of technical training, as determined by the 28576
department of education and workforce. 28577

(8) A "tier two career pathway training program" is a 28578
career pathway training program that requires more than three 28579
hundred hours of technical training but less than six hundred 28580
hours of technical training, as determined by the department. 28581

(9) A "tier three career pathway training program" is a 28582
career pathway training program that requires three hundred 28583
hours or less of technical training, as determined by the 28584
department. 28585

(10) An eligible student's "work readiness training 28586
amount" means the following: 28587

(a) If the student's grade level upon initial enrollment 28588
in an approved program of study at an approved institution is 28589
below the ninth grade, as determined in accordance with rules 28590
adopted under division (E) of this section, \$1,500. 28591

(b) If the student's grade level upon initial enrollment 28592
in an approved program of study at an approved institution is at 28593
or above the ninth grade, as determined in accordance with rules 28594
adopted under division (E) of this section, \$750. 28595

(B) The adult diploma pilot program is hereby established 28596
to permit an eligible institution to obtain approval from the 28597
~~superintendent of public instruction~~ department of education and 28598

workforce and the chancellor to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements:

(1) The program allows an eligible student to complete the requirements for obtaining a high school diploma that are specified in rules adopted ~~by the superintendent~~ under division (E) of this section while also completing requirements for an approved industry credential or certificate.

(2) The program includes career advising and outreach.

(3) The program includes opportunities for students to receive a competency-based education.

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the ~~state board of education~~ department shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted ~~by the superintendent~~ under division (E) of this section.

(D) (1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:

(The student's career pathway training program amount + the student's work readiness training amount) X 1.2

(2) Except as provided in division (D) (4) of this section, the department shall pay the amount calculated for an eligible student under division (D) (1) of this section to the approved institution in which the student is enrolled in the following

manner: 28628

(a) Twenty-five per cent of the amount calculated under 28629
division (D) (1) of this section shall be paid to the approved 28630
institution after the student successfully completes the first 28631
third of the approved program of study, as determined by the 28632
department; 28633

(b) Twenty-five per cent of the amount calculated under 28634
division (D) (1) of this section shall be paid to the approved 28635
institution after the student successfully completes the second 28636
third of the approved program of study, as determined by the 28637
department; 28638

(c) Fifty per cent of the amount calculated under division 28639
(D) (1) of this section shall be paid to the approved institution 28640
after the student successfully completes the final third of the 28641
approved program of study, as determined by the department. 28642

(3) Of the amount paid to an approved institution under 28643
division (D) (2) of this section, the institution may use the 28644
amount that is in addition to the student's career pathway 28645
training amount and the student's work readiness training amount 28646
for the associated services of the approved program of study. 28647
These services include counseling, advising, assessment, and 28648
other services as determined or required by the department. 28649

(4) If the ~~superintendent~~ department and the chancellor 28650
determine that ~~is it~~ it is appropriate for an entity other than 28651
the department to make full or partial payments for an eligible 28652
student under division (D) (2) of this section, that entity shall 28653
make those payments and the department shall not make those 28654
payments. 28655

(E) The ~~superintendent~~ director of education and workforce, 28656

in consultation with the chancellor, shall adopt rules for the 28657
implementation of the adult diploma pilot program, including all 28658
of the following: 28659

(1) The requirements for applying for program approval; 28660

(2) The requirements for obtaining a high school diploma 28661
through the program, including the requirement to obtain a 28662
passing score on an assessment that is appropriate for the 28663
career pathway training program that is being completed by the 28664
eligible student, and the date on which these requirements take 28665
effect; 28666

(3) The assessment or assessments that may be used to 28667
complete the assessment requirement for each career pathway 28668
training program under division (E) (2) of this section and the 28669
score that must be obtained on each assessment in order to pass 28670
the assessment; 28671

(4) Guidelines regarding the funding of the program under 28672
division (D) of this section, including a method of funding for 28673
students who transfer from one approved institution to another 28674
approved institution prior to completing an approved program of 28675
study; 28676

(5) Circumstances under which an eligible student may be 28677
charged for tuition, supplies, or associated fees while enrolled 28678
in an approved institution's approved program of study; 28679

(6) A requirement that an eligible student may not be 28680
charged for tuition, supplies, or associated fees while enrolled 28681
in an approved institution's approved program of study except in 28682
the circumstances described under division (E) (5) of this 28683
section; 28684

(7) The payment of federal funds that are to be used by 28685

approved programs of study at approved institutions. 28686

Sec. 3313.903. Except as otherwise required under federal 28687
law, the department of education and workforce shall consider an 28688
industry-recognized credential, as approved under section 28689
3313.6113 of the Revised Code, or a license issued by a state 28690
agency or board for practice in a vocation that requires an 28691
examination for issuance of that license as an acceptable 28692
measure of technical skill attainment and shall not require a 28693
student with such credential or license to take additional 28694
technical assessments. 28695

Additionally, the department shall not require a student 28696
who has participated in or will be participating in a 28697
credentialing assessment aligned to the student's career- 28698
technical education program or has participated in or will be 28699
participating in taking an examination for issuance of such a 28700
license aligned to the student's career-technical education 28701
program to take additional technical assessments. 28702

However, if the student does not participate in the 28703
credentialing assessment or license examination, the student 28704
shall take the applicable technical assessments prescribed by 28705
the department. 28706

The department shall develop, in consultation with the 28707
Ohio association for career and technical education, the Ohio 28708
association of career-technical superintendents, the Ohio 28709
association of city career-technical schools, and other 28710
stakeholders, procedures for identifying industry-recognized 28711
credentials and licenses aligned to a student's career-technical 28712
education program that can be used as an acceptable measure of 28713
technical skill, and for identifying students in the process of 28714
earning such credentials and licenses. The department shall 28715

consider the possibility of attaining college credit as a factor 28716
when identifying an acceptable measure of technical skill. 28717

Not later than the thirty-first day of May of each year, 28718
the department shall, in consultation with the Ohio association 28719
for career and technical education, the Ohio association of 28720
career-technical superintendents, and the Ohio association of 28721
comprehensive and compact career-technical schools, update a 28722
list developed by the department regarding technical assessments 28723
subject to this section. 28724

As used in this section, "technical assessments" shall not 28725
include the nationally recognized job skills assessment 28726
prescribed under division ~~(G)~~ (F) of section 3301.0712 of the 28727
Revised Code. 28728

Nothing in this section shall exempt a student who wishes 28729
to qualify for a high school diploma under division (A) (3) of 28730
section 3313.618 of the Revised Code from the requirement to 28731
attain a specified score on that assessment in order to qualify 28732
for a high school diploma under that section. 28733

Sec. 3313.904. The department of education and workforce 28734
and the department of job and family services, in consultation 28735
with the governor's office of workforce transformation, shall 28736
establish an option for career-technical education students to 28737
participate in pre-apprenticeship training programs that impart 28738
the skills and knowledge needed for successful participation in 28739
a registered apprenticeship occupation course. 28740

Sec. 3313.905. (A) Southern state community college shall 28741
establish and maintain, for a period of five years, the Ohio 28742
code-scholar pilot program to address technical workforce needs. 28743

(B) Not later than July 31, 2021, southern state community 28744

college shall appoint a program coordinator who shall be 28745
responsible for all of the following, as well as any other 28746
responsibilities as determined by the southern state community 28747
college board of trustees: 28748

(1) Form a coalition and act as the liaison between 28749
southern state community college and the coalition to develop 28750
the pilot program. 28751

The coalition shall include members from the following: 28752

(a) The department of education and workforce; 28753

(b) Educators in grades kindergarten through twelve; 28754

(c) Career technical education staff; 28755

(d) Educational service center staff; 28756

(e) Representatives of post-secondary institutions in the 28757
areas in which the pilot program is operating; 28758

(f) Federally and state-funded research organizations, as 28759
determined by the southern state community college board of 28760
trustees and the program coordinator; 28761

(g) Local businesses in the areas in which the pilot 28762
program is operating, as determined by the southern state 28763
community college board of trustees and the program coordinator. 28764

(2) In collaboration with the coalition, as described in 28765
division (B)(1) of this section, develop a curriculum for grades 28766
seven through twelve to be utilized by the pilot program that 28767
focuses on industry standards in the field of computer sciences, 28768
including coding, and is divided as follows: 28769

(a) For grades seven and eight, a focus on career 28770
exploration, career readiness initiatives, and an introduction 28771

to coding and computer sciences; 28772

(b) For grades nine through twelve, a focus on 28773
intermediate and advanced coding, computer sciences, and the 28774
potential for industry level credentialing. 28775

(3) Submit an annual report to southern state community 28776
college regarding the progress and implementation of the pilot 28777
program; 28778

(4) Determine the manner in which the pilot program shall 28779
recruit school districts and other participants for the fall of 28780
2021 from the following counties: 28781

(a) Southern Ohio, specifically, Fayette, Clinton, Adams, 28782
and Highland counties; 28783

(b) Brown county; 28784

(c) Pike county. 28785

(5) Develop a structured timeline by which the pilot 28786
program shall operate over the five-year period, with full 28787
administration beginning in the fall of 2022; 28788

(6) Determine the manner in which to incorporate the 28789
college credit plus program as established under Chapter 3365. 28790
of the Revised Code within the pilot program; 28791

(7) In collaboration with the designated department, 28792
advisor, and instructor, as appointed by southern state 28793
community college, develop a system for the articulation of 28794
credits earned under the pilot program and align them into a 28795
for-credit program at southern state community college; 28796

(8) Act as fiscal operator of the pilot program. 28797

(C) Upon completion of the pilot program, southern state 28798

community college, in collaboration with the program 28799
coordinator, shall submit a full report and any legislative 28800
recommendations to the General Assembly, in accordance with 28801
section 101.68 of the Revised Code, regarding the outcomes of 28802
the pilot program. 28803

Sec. 3313.906. (A) As used in this section, "digital 28804
learning" has the same meaning as in section 3301.079 of the 28805
Revised Code. 28806

(B) The ~~state board~~ department of education and workforce 28807
shall permit each career-technical education program approved 28808
under section 3317.161 of the Revised Code to provide remote or 28809
digital learning opportunities to students on a full-time or 28810
hybrid basis to the extent practicable. 28811

Sec. 3313.91. Notwithstanding division (D) of section 28812
3311.19 and division (D) of section 3311.52 of the Revised Code, 28813
the provisions of this section and section 3313.911 of the 28814
Revised Code that apply to a city school district do not apply 28815
to any joint vocational or cooperative education school district 28816
unless otherwise specified. 28817

The board of education of any city, local, exempted 28818
village, or joint vocational school district may contract with 28819
any public agency, board, or bureau, or with any private 28820
individual or firm for the purchase of any vocational education 28821
or vocational rehabilitation service for any resident of the 28822
district under the age of twenty-one years and may pay for such 28823
services with public funds. Any such vocational education or 28824
vocational rehabilitation service shall meet the same 28825
requirements, including those for teachers, facilities, and 28826
equipment, as those required of the public schools and be 28827
approved by the ~~state~~ department of education and workforce. 28828

The ~~state board of education department~~ may assign city, 28829
local, or exempted village school districts to joint vocational 28830
districts and pursuant to ~~state board~~ the department's rules, 28831
shall require such districts to enter into contractual 28832
agreements pursuant to section 3313.90 of the Revised Code so 28833
that special education students as well as others may receive 28834
suitable vocational services. Such rules shall prescribe a 28835
formula under which the district that contracts to receive the 28836
services agrees to pay an annual fee to the district providing 28837
the vocational education program. The amount of the fee shall be 28838
computed in accordance with a formula prescribed by ~~state board~~ 28839
the department's rule, but the rule shall permit the 28840
~~superintendent of public instruction~~ director of education and 28841
workforce to prescribe a lower fee than the amount required to 28842
be paid by the formula in cases where ~~he~~ the director 28843
determines either that the approved vocational course offerings 28844
of the district that is to pay the fee are of sufficient breadth 28845
to warrant a lower annual fee, or that the situation warrants a 28846
lower annual fee. 28847

Sec. 3313.911. The ~~state board~~ department of education and 28848
workforce may ~~adopt a resolution assigning~~ assign a city, 28849
exempted village, or local school district that is not a part of 28850
a joint vocational school district to membership in a joint 28851
vocational school district. ~~A copy of the resolution~~ The 28852
department shall ~~be certified to notify~~ the board of education 28853
of the joint vocational school district and the board of 28854
education of the district proposed to be assigned of the 28855
assignment. The board of education of the joint vocational 28856
school district shall advertise ~~a copy of the resolution~~ the 28857
assignment in a newspaper of general circulation in the district 28858
proposed to be assigned once each week for two weeks, or as 28859

provided in section 7.16 of the Revised Code, immediately 28860
following the certification of the ~~resolution~~assignment to the 28861
board. The assignment shall take effect on the ninety-first day 28862
after the ~~state board adopts the resolution~~ department notifies 28863
the board, unless prior to that date qualified electors residing 28864
in the school district proposed for assignment, equal in number 28865
to ten per cent of the qualified electors of that district 28866
voting at the last general election, file a petition against the 28867
assignment. 28868

The petition of referendum shall be filed with the 28869
treasurer of the board of education of the district proposed to 28870
be assigned to the joint vocational school district. The 28871
treasurer shall give the person presenting the petition a 28872
receipt showing the time of day, date, and purpose of the 28873
petition. The treasurer shall cause the board of elections to 28874
determine the sufficiency of signatures on the petition and if 28875
the signatures are found to be sufficient, shall present the 28876
petition to the board of education of the district. The board of 28877
education shall promptly certify the question to the board of 28878
elections for the purpose of having the question placed on the 28879
ballot at the next general, primary, or special election not 28880
earlier than sixty days after the date of the certification. 28881

Only those qualified electors residing in the district 28882
proposed for assignment to the joint vocational school district 28883
are qualified to vote on the question. If a majority of the 28884
electors voting on the question vote against the assignment, it 28885
shall not take place, and the ~~state board of education~~ 28886
department shall require the district to contract with the joint 28887
vocational school district or another school district as 28888
authorized by section 3313.91 of the Revised Code. 28889

If a majority of the electors voting on the question do 28890
not vote against the assignment, the assignment shall take 28891
immediate effect, and the board of education of the joint 28892
vocational school district shall notify the county auditor of 28893
the county in which the school district becoming a part of the 28894
joint vocational school district is located to have any 28895
outstanding levy of the joint vocational school district spread 28896
over the territory of the school district that has become a part 28897
of the joint vocational school district. 28898

The assignment of a school district to a joint vocational 28899
school district pursuant to this section is subject to any 28900
agreements made between the board of education of the assigned 28901
school district and the board of education of the joint 28902
vocational school district. Such an agreement may include 28903
provisions for a payment by the assigned school district to the 28904
joint vocational school district of an amount to be contributed 28905
toward the cost of the existing facilities of the joint 28906
vocational school district. 28907

Sec. 3313.92. (A) The boards of education of any two or 28908
more school districts may, subject to the approval of the 28909
~~superintendent of public instruction~~department of education and 28910
workforce, enter into agreements for the joint or cooperative 28911
construction, acquisition, or improvement of any building, 28912
structure, or facility benefiting the parties thereto, 28913
including, without limitation, schools and classrooms for the 28914
purpose of Chapter 3323. of the Revised Code, and for the 28915
management, operation, occupancy, use, maintenance, or repair 28916
thereof, or for the joint or cooperative participation in 28917
programs, projects, activities, or services in connection with 28918
such buildings, structures, or facilities, including 28919
participation in the Ohio education computer network established 28920

by section 3301.075 of the Revised Code. 28921

(B) Any agreement entered into under authority of this 28922
section shall, where appropriate, provide for: 28923

(1) The method by which the building, structure, or 28924
facility shall be constructed, acquired, or improved and by 28925
which it shall be managed, occupied, maintained, and repaired, 28926
and specifically a designation of one of the boards of education 28927
to take and have exclusive charge of any and all details of 28928
construction, acquisition, or improvement, including any 28929
advertising for bids and the award of any construction or 28930
improvement contract pursuant to the law applicable to such 28931
board of education; 28932

(2) The manner in which the title to the buildings, 28933
structures, or facilities, including the sites and interests in 28934
real estate necessary therefor, is to be held by one or more of 28935
such boards of education; 28936

(3) The management or administration of any such programs, 28937
projects, activities, services, or joint exercise of powers, 28938
which may include management or administration by one of said 28939
boards of education; 28940

(4) The manner of apportionment or sharing of all of the 28941
costs, or specified classes of costs, including without 28942
limitation costs of planning, construction, acquisition, 28943
improvement, management, operation, maintenance, or repair of 28944
such buildings, structures, or facilities, or of planning and 28945
conducting such programs or projects, or obtaining such 28946
services, which apportionment or sharing may be based on fixed 28947
amounts, or on ratios or formulas, or affected through tuitions 28948
to be contributed by the parties or in such manner therein 28949

provided.	28950
(C) Any agreement entered into under authority of this section may provide for:	28951 28952
(1) An orderly process for making determinations as to planning, execution, implementation, and operation, which may include provisions for a committee, board, or commission, and for representation thereon;	28953 28954 28955 28956
(2) Securing necessary personnel, including participation of teachers and other personnel from the respective school districts;	28957 28958 28959
(3) Standards or conditions for the admission or participation of students and others, including students from other school districts;	28960 28961 28962
(4) Conditions for admittance of other school districts to participation under the agreement;	28963 28964
(5) Fixing or establishing the method of determining special charges to be made for particular services or materials;	28965 28966
(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement or an indefinite term;	28967 28968 28969
(7) Designation of the applicants for or recipients of any state, federal, or other aid, assistance, or loans available by reason of any activities conducted under the agreement;	28970 28971 28972
(8) Designation of one or more of the participating boards of education to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement, including without limitation those required under sections	28973 28974 28975 28976 28977

3301.14, 3313.50, 3319.32 to 3319.37, 3321.12, 3323.08, and	28978
3323.13 of the Revised Code;	28979
(9) Such other matters as the parties thereto may agree	28980
upon for the purposes of division (A) of this section.	28981
(D) For the purpose of paying or contributing its share	28982
under an agreement made under this section, a board of education	28983
may:	28984
(1) Appropriate any moneys from its general fund, and from	28985
any other funds not otherwise restricted by law, including funds	28986
for permanent improvements of such board of education where the	28987
contribution is to be made toward the cost of permanent	28988
improvements under the agreement;	28989
(2) Issue bonds, and notes in anticipation thereof, under	28990
Chapter 133. and section 3311.20 of the Revised Code for any	28991
permanent improvement, as defined in section 133.01 of the	28992
Revised Code, to be provided under such agreement;	28993
(3) Levy taxes, and issue notes in anticipation thereof,	28994
under Chapters 3311. and 5705. of the Revised Code pertaining to	28995
such board of education, provided that the purpose of such levy	28996
may include the provision of funds for either or both permanent	28997
improvements and current operating expenses required as the	28998
share of such board of education under such agreement;	28999
(4) Contribute real and personal property for use under	29000
such agreement without necessity for competitive bidding on	29001
disposition of such property.	29002
(E) Funds provided by the parties to an agreement entered	29003
into under this section, whether by appropriation, the levy of	29004
taxes, the issuance of bonds or notes, or otherwise, shall be	29005
transferred to and placed in a separate fund or funds of such	29006

participating board of education as is designated the fiscal 29007
agent for such purpose under the agreement, shall be 29008
appropriated to and shall be applied for the purposes provided 29009
in such agreement, and shall be subject to audit and, pursuant 29010
to any determinations to be made as provided under such 29011
agreement, shall be deposited, invested, and disbursed under the 29012
provisions of law applicable to the board of education in whose 29013
custody those funds are held; and the records and reports of 29014
such board of education under Chapter 117. of the Revised Code 29015
with respect to those funds shall be sufficient without 29016
necessity for reports thereon by the other boards of education 29017
participating under such agreement. 29018

(F) As used in this section, "construction, acquisition, 29019
or improvement of any building, structure, or facility" also 29020
includes acquisition of real estate and interests in real estate 29021
therefor, site improvements, and furniture, furnishings, and 29022
equipment therefor. Buildings, structures, or facilities 29023
constructed, acquired, or improved under this section may, 29024
subject to the agreement, be used for any lawful purpose by each 29025
party so long as the use thereof is an authorized proper use for 29026
that party. 29027

(G) Any agreement entered into under this section shall be 29028
subject to any laws hereafter enacted making express reference 29029
therein to this section and requiring the transfer of any 29030
functions exercised or properties held under such agreement to 29031
any public officer, board, or body heretofore or hereafter 29032
established, or requiring the termination of such agreement, or 29033
otherwise affecting the agreement. 29034

(H) The powers granted in this section are supplementary 29035
to, and not in derogation of or restriction upon, all other 29036

powers of boards of education of school districts, and are to be 29037
liberally construed to permit the achievement of the objectives 29038
of this section and to permit the boards of education to take 29039
advantage of federal grant and loan programs, provided that the 29040
exercise of such powers shall be subject to such audit and 29041
regulation as would be applicable if exercised under any other 29042
provision of the Revised Code. 29043

Sec. 3313.941. (A) As used in this section, "state agency" 29044
means every organized body, office, or agency established by the 29045
laws or constitution of this state for the exercise of any 29046
function of state government. 29047

(B) Whenever a school district board of education collects 29048
racial data for the students enrolled in the school district or 29049
whenever the department of education and workforce or any other 29050
state agency collects or requires the collection and reporting 29051
of racial data for students enrolled in any chartered public or 29052
nonpublic school, the data collection shall include a 29053
multiracial category. 29054

For the purpose of reporting student racial data required 29055
by the federal government, if the federal standards for 29056
reporting student racial data do not include a multiracial 29057
category, both of the following apply: 29058

(1) Students identified as multiracial for state or 29059
district purposes also shall be identified by an appropriate 29060
federal category. 29061

(2) The parent, guardian, or custodian of each student 29062
shall have the opportunity to designate the appropriate federal 29063
racial category for the student. 29064

Sec. 3313.97. Notwithstanding division (D) of section 29065

3311.19 and division (D) of section 3311.52 of the Revised Code, 29066
this section does not apply to any joint vocational or 29067
cooperative education school district. 29068

(A) As used in this section: 29069

(1) "Parent" has the same meaning as in section 3313.64 of 29070
the Revised Code. 29071

(2) "Alternative school" means a school building other 29072
than the one to which a student is assigned by the district 29073
superintendent. 29074

(3) "IEP" has the same meaning as in section 3323.01 of 29075
the Revised Code. 29076

(B) The board of education of each city, local, and 29077
exempted village school district shall adopt an open enrollment 29078
policy allowing students entitled to attend school in the 29079
district pursuant to section 3313.64 or 3313.65 of the Revised 29080
Code to enroll in an alternative school. Each policy shall 29081
provide for the following: 29082

(1) Application procedures, including deadlines for 29083
application and for notification of students and principals of 29084
alternative schools whenever a student's application is 29085
accepted. The policy shall require a student to apply only if 29086
the student wishes to attend an alternative school. 29087

(2) The establishment of district capacity limits by grade 29088
level, school building, and education program; 29089

(3) A requirement that students enrolled in a school 29090
building or living in any attendance area of the school building 29091
established by the superintendent or board be given preference 29092
over applicants; 29093

(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	29094 29095
Each policy may permit a student to permanently transfer to an alternative school so that the student need not reapply annually for permission to attend the alternative school.	29096 29097 29098
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:	29099 29100 29101
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	29102 29103
(2) Limitations on admitting applicants because of disabling conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student's IEP are available;	29104 29105 29106 29107 29108
(3) A requirement that the student be proficient in the English language;	29109 29110
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant to an alternative school.	29111 29112 29113 29114 29115 29116 29117
(D) (1) Notwithstanding Chapter 3327. of the Revised Code, and except as provided in division (D) (2) of this section, a district board is not required to provide transportation to a nondisabled student enrolled in an alternative school unless such student can be picked up and dropped off at a regular	29118 29119 29120 29121 29122

school bus stop designated in accordance with the board's 29123
transportation policy or unless the board is required to provide 29124
additional transportation to the student in accordance with a 29125
court-approved desegregation plan. 29126

(2) A district board shall provide transportation to any 29127
student described in 20 U.S.C. 6316(b)(1)(F) to the extent 29128
required by division ~~(E)~~ (D) of section 3302.04 of the Revised 29129
Code, except that no district board shall be required to provide 29130
transportation to any such student after the school in which the 29131
student was enrolled immediately prior to enrolling in the 29132
alternative school makes adequate yearly progress, as defined in 29133
section 3302.01 of the Revised Code, for two consecutive school 29134
years. 29135

(E) Each school board shall provide information about the 29136
policy adopted under this section and the application procedures 29137
and deadlines to the parent of each student in the district and 29138
to the general public. 29139

(F) The ~~state board~~ department of education and workforce 29140
shall monitor school districts to ensure compliance with this 29141
section and the districts' policies. 29142

Sec. 3313.974. As used in this section and in sections 29143
3313.975 to 3313.979 of the Revised Code: 29144

(A) "Individualized education program" and "child with a 29145
disability" have the same meanings as in section 3323.01 of the 29146
Revised Code. 29147

(B) "Separately educated student with a disability" means 29148
a child with a disability who has an individualized education 29149
program providing for the student to spend at least half of each 29150
school day in a class or setting separated from nondisabled 29151

students. 29152

(C) "Low-income family" means a family whose income is 29153
below the level which the ~~superintendent of public instruction-~~ 29154
department of education and workforce shall establish. 29155

(D) "Parent" has the same meaning as in section 3313.98 of 29156
the Revised Code. 29157

(E) "Registered private school" means a school registered 29158
with the ~~superintendent of public instruction-~~ director of 29159
education and workforce pursuant to section 3313.976 of the 29160
Revised Code. 29161

(F) "Alternative school" means a registered private school 29162
located in a school district or a public school located in an 29163
adjacent school district. 29164

(G) "Tutorial assistance" means instructional services 29165
provided to a student outside of regular school hours approved 29166
by the commission on school choice pursuant to section 3313.976 29167
of the Revised Code. 29168

Sec. 3313.975. As used in this section and in sections 29169
3313.976 to 3313.979 of the Revised Code, "the pilot project 29170
school district" or "the district" means any school district 29171
included in the pilot project scholarship program pursuant to 29172
this section. 29173

(A) The ~~superintendent of public instruction-~~ director of 29174
education and workforce shall establish a- implement the pilot 29175
project scholarship program and shall include in such program 29176
any school districts that are or have ever been under federal 29177
court order requiring supervision and operational management of 29178
the district by the state superintendent or director. The 29179
program shall provide for a number of students residing in any 29180

such district to receive scholarships to attend alternative 29181
schools, and for an equal number of students to receive tutorial 29182
assistance grants while attending public school in any such 29183
district. 29184

(B) The ~~state superintendent~~ director shall establish an 29185
application process and deadline for accepting applications from 29186
students residing in the district to participate in the 29187
scholarship program. In the initial year of the program students 29188
may only use a scholarship to attend school in grades 29189
kindergarten through third. 29190

The ~~state superintendent~~ director shall award as many 29191
scholarships and tutorial assistance grants as can be funded 29192
given the amount appropriated for the program. 29193

(C) (1) The pilot project program shall continue in effect 29194
each year that the general assembly has appropriated sufficient 29195
money to fund scholarships and tutorial assistance grants. In 29196
each year the program continues, new students may receive 29197
scholarships in grades kindergarten to twelve. A student who has 29198
received a scholarship may continue to receive one until the 29199
student has completed grade twelve. 29200

(2) If the general assembly discontinues the scholarship 29201
program, all students who are attending an alternative school 29202
under the pilot project shall be entitled to continued 29203
admittance to that specific school through all grades that are 29204
provided in such school, under the same conditions as when they 29205
were participating in the pilot project. The ~~state~~ 29206
~~superintendent~~ director shall continue to make scholarship 29207
payments in accordance with section 3317.022 of the Revised Code 29208
for students who remain enrolled in an alternative school under 29209
this provision in any year that funds have been appropriated for 29210

this purpose. 29211

If funds are not appropriated, the tuition charged to the 29212
parents of a student who remains enrolled in an alternative 29213
school under this provision shall not be increased beyond the 29214
amount equal to the amount of the scholarship plus any 29215
additional amount charged that student's parent in the most 29216
recent year of attendance as a participant in the pilot project, 29217
except that tuition for all the students enrolled in such school 29218
may be increased by the same percentage. 29219

(D) Notwithstanding sections 124.39 and 3311.83 of the 29220
Revised Code, if the pilot project school district experiences a 29221
decrease in enrollment due to participation in a state-sponsored 29222
scholarship program pursuant to sections 3313.974 to 3313.979 of 29223
the Revised Code, the district board of education may enter into 29224
an agreement with any teacher it employs to provide to that 29225
teacher severance pay or early retirement incentives, or both, 29226
if the teacher agrees to terminate the employment contract with 29227
the district board, provided any collective bargaining agreement 29228
in force pursuant to Chapter 4117. of the Revised Code does not 29229
prohibit such an agreement for termination of a teacher's 29230
employment contract. 29231

Sec. 3313.976. (A) No private school may receive 29232
scholarship payments from parents pursuant to section 3317.022 29233
of the Revised Code until the chief administrator of the private 29234
school registers the school with the ~~superintendent of public~~ 29235
~~instruction~~ director of education and workforce. The ~~state~~ 29236
~~superintendent~~ director shall register any school that meets the 29237
following requirements: 29238

(1) The school does any of the following: 29239

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district;	29240 29241 29242
(b) Offers any of grades kindergarten through twelve and is located within the boundaries of a city, local, or exempted village school district that is both:	29243 29244 29245
(i) Located in a municipal corporation with a population of fifteen thousand or more;	29246 29247
(ii) Located within five miles of the border of the pilot project school district.	29248 29249
(c) Offers all of grades pre-kindergarten through eight, but not any of grades nine through twelve, and is located within the boundaries of a city, local, or exempted village school district that is:	29250 29251 29252 29253
(i) Located in a municipal corporation with a population of greater than ten thousand but less than thirteen thousand;	29254 29255
(ii) Located within five miles of the border of the pilot project school district;	29256 29257
(iii) Located in the same county as the pilot project school district.	29258 29259
(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;	29260 29261 29262 29263 29264 29265
(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except	29266 29267

that the ~~state superintendent~~ director at the ~~superintendent's~~ director's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; 29268
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(4) The school does not discriminate on the basis of race, religion, or ethnic background; 29271
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(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 29273
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(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 29276
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(7) The school does not provide false or misleading information about the school to parents, students, or the general public; 29279
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(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section ~~5104.46~~ 5101.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that division. 29282
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(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that 29289
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division. The school shall permit such tuition, at the 29297
discretion of the parent, to be satisfied by the family's 29298
provision of in-kind contributions or services. 29299

(10) The school agrees not to charge any tuition to 29300
families of students in grades nine through twelve receiving a 29301
scholarship in excess of the actual tuition charge of the school 29302
less the scholarship amount established pursuant to division (A) 29303
(11) (a) of section 3317.022 of the Revised Code, excluding any 29304
increase described in that division. 29305

(11) It annually administers the applicable assessments 29306
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 29307
Revised Code to each scholarship student enrolled in the school 29308
in accordance with section 3301.0711 or 3301.0712 of the Revised 29309
Code and reports to the department of education the results of 29310
each such assessment administered to each scholarship student, 29311
unless one of the following applies to the student: 29312

(a) The student is excused from taking that assessment 29313
under federal law, the student's individualized education 29314
program, or division (C) (1) (c) (i) of section 3301.0711 of the 29315
Revised Code. 29316

(b) The student is enrolled in a chartered nonpublic 29317
school that meets the conditions specified in division (K) (2) or 29318
(L) (4) of section 3301.0711 of the Revised Code. 29319

(c) The student is enrolled in any of grades three to 29320
eight and takes an alternative standardized assessment under 29321
division (K) (1) of section 3301.0711 of the Revised Code. 29322

(d) The student is excused from taking the assessment 29323
prescribed under division (B) (1) of section 3301.0712 of the 29324
Revised Code pursuant to division (C) (1) (c) (ii) of section 29325

3301.0711 of the Revised Code. 29326

(B) The ~~state superintendent~~ director shall revoke the 29327
registration of any school if, after a hearing, the 29328
~~superintendent~~ director determines that the school is in 29329
violation of any of the provisions of division (A) of this 29330
section. 29331

(C) Any public school located in a school district 29332
adjacent to the pilot project school district may receive 29333
scholarship payments on behalf of parents pursuant to section 29334
3317.022 of the Revised Code if the superintendent of the 29335
district in which such public school is located notifies the 29336
~~state superintendent~~ director prior to the first day of March 29337
that the district intends to admit students from the pilot 29338
project school district for the ensuing school year pursuant to 29339
section 3327.06 of the Revised Code. 29340

(D) Any parent wishing to purchase tutorial assistance 29341
from any person or governmental entity pursuant to the pilot 29342
project program under sections 3313.974 to 3313.979 of the 29343
Revised Code shall apply to the ~~state superintendent~~ director. 29344
The ~~state superintendent~~ director shall approve providers who 29345
appear to possess the capability of furnishing the instructional 29346
services they are offering to provide. 29347

Sec. 3313.978. (A) Annually by the first day of November, 29348
the ~~superintendent of public instruction~~ director of education 29349
and workforce shall notify the pilot project school district of 29350
the number of initial scholarships that the ~~state superintendent~~ 29351
director will be awarding in each of grades kindergarten through 29352
twelve. 29353

The ~~state superintendent~~ director shall provide 29354

information about the scholarship program to all students 29355
residing in the district and shall accept applications from any 29356
such students during the application period established under 29357
division (H) of this section. 29358

(1) A student receiving a pilot project scholarship may 29359
utilize it at an alternative public school by notifying the 29360
district superintendent, of the name of the public school in an 29361
adjacent school district to which the student has been accepted 29362
pursuant to section 3327.06 of the Revised Code. 29363

(2) A student may decide to utilize a pilot project 29364
scholarship at a registered private school in the district if 29365
all of the following conditions are met: 29366

(a) The parent makes an application on behalf of the 29367
student to a registered private school. 29368

(b) The registered private school notifies the parent and 29369
the ~~state superintendent~~ director as follows that the student 29370
has been admitted: 29371

(i) By the school pursuant to division (A) of section 29372
3313.977 of the Revised Code; 29373

(ii) By the school pursuant to division (C) of section 29374
3313.977 of the Revised Code. 29375

(c) The student actually enrolls in the registered private 29376
school to which the student was first admitted or in another 29377
registered private school in the district or in a public school 29378
in an adjacent school district. 29379

(B) The ~~state superintendent~~ director of education and 29380
workforce shall also award in any school year tutorial 29381
assistance grants to a number of students equal to the number of 29382

students who receive scholarships under division (A) of this 29383
section. Tutorial assistance grants shall be awarded solely to 29384
students who are enrolled in the public schools of the district 29385
in a grade level covered by the pilot project. Tutorial 29386
assistance grants may be used solely to obtain tutorial 29387
assistance from a provider approved pursuant to division (D) of 29388
section 3313.976 of the Revised Code. 29389

All students wishing to obtain tutorial assistance grants 29390
shall make application to the ~~state superintendent~~ director by 29391
the first day of the school year in which the assistance will be 29392
used. The ~~state superintendent~~ director shall award assistance 29393
grants in accordance with criteria the ~~superintendent~~ director 29394
shall establish. 29395

(C) In the case of tutorial assistance grants, the grant 29396
amount shall not exceed the lesser of the provider's actual 29397
charges for such assistance or: 29398

(1) Before fiscal year 2007, a percentage established by 29399
the ~~state superintendent~~ director, not to exceed twenty per cent, 29400
of the amount of the pilot project school district's average 29401
basic scholarship amount; 29402

(2) In fiscal year 2007 and thereafter, four hundred 29403
dollars. 29404

(D) (1) Annually by the first day of November, the ~~state~~ 29405
~~superintendent~~ director shall estimate the maximum per-pupil 29406
scholarship amounts for the ensuing school year. The ~~state~~ 29407
~~superintendent~~ director shall make this estimate available to 29408
the general public at the offices of the district board of 29409
education together with the forms required by division (D) (2) of 29410
this section. 29411

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and workforce and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations.

(E)(1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code;

(b) If applicable, the community school in which the student is enrolled;

(c) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the

school year for which the scholarship is sought, the district 29441
shall assign a code to that student and submit the code to the 29442
department or parent by a date specified by the department. If 29443
the district does not assign a code to the student by the 29444
specified date, the department shall assign a code to the 29445
student. 29446

The department annually shall submit to each school 29447
district the name and data verification code of each student 29448
residing in the district who is entering kindergarten, who has 29449
been awarded a scholarship under the program, and for whom the 29450
department has assigned a code under this division. 29451

(3) The department shall not release any data verification 29452
code that it receives under division (E) of this section to any 29453
person except as provided by law. 29454

(F) Any document relative to the pilot project scholarship 29455
program that the department holds in its files that contains 29456
both a student's name or other personally identifiable 29457
information and the student's data verification code shall not 29458
be a public record under section 149.43 of the Revised Code. 29459

(G) (1) The department annually shall compile the scores 29460
attained by scholarship students enrolled in registered private 29461
schools on the assessments administered to the students pursuant 29462
to division (A) (11) of section 3313.976 of the Revised Code. The 29463
scores shall be aggregated as follows: 29464

(a) By school district, which shall include all 29465
scholarship students residing in the pilot project school 29466
district who are enrolled in a registered private school and 29467
were required to take an assessment pursuant to division (A) (11) 29468
of section 3313.976 of the Revised Code; 29469

(b) By registered private school, which shall include all 29470
scholarship students enrolled in that school who were required 29471
to take an assessment pursuant to division (A)(11) of section 29472
3313.976 of the Revised Code. 29473

(2) The department shall disaggregate the student 29474
performance data described in division (G)(1) of this section 29475
according to the following categories: 29476

(a) Grade level; 29477

(b) Race and ethnicity; 29478

(c) Gender; 29479

(d) Students who have participated in the scholarship 29480
program for three or more years; 29481

(e) Students who have participated in the scholarship 29482
program for more than one year and less than three years; 29483

(f) Students who have participated in the scholarship 29484
program for one year or less; 29485

(g) Economically disadvantaged students. 29486

(3) The department shall post the student performance data 29487
required under divisions (G)(1) and (2) of this section on its 29488
web site and shall include that data in the information about 29489
the scholarship program provided to students under division (A) 29490
of this section. In reporting student performance data under 29491
this division, the department shall not include any data that is 29492
statistically unreliable or that could result in the 29493
identification of individual students. For this purpose, the 29494
department shall not report performance data for any group that 29495
contains less than ten students. 29496

(4) The department shall provide the parent of each 29497
scholarship student enrolled in a registered private school with 29498
information comparing the student's performance on the 29499
assessments administered pursuant to division (A)(11) of section 29500
3313.976 of the Revised Code with the average performance of 29501
similar students enrolled in the building operated by the pilot 29502
project school district that the scholarship student would 29503
otherwise attend. In calculating the performance of similar 29504
students, the department shall consider age, grade, race and 29505
ethnicity, gender, and socioeconomic status. 29506

(H) The department shall open the application period on 29507
the first day of February prior to the first day of July of the 29508
school year for which a scholarship is sought. Not later than 29509
forty-five days after an applicant submits to the department of 29510
education and workforce a completed application, the department 29511
~~of education~~ shall determine whether that applicant is eligible 29512
for a scholarship and notify the applicant whether or not the 29513
applicant is eligible. The department ~~of education~~ shall award a 29514
scholarship to each student with an approved application. 29515
However, for any application submitted after the beginning of 29516
the school year, the department ~~of education~~ shall prorate the 29517
amount of the awarded scholarship based on how much of the 29518
school year remains. 29519

Sec. 3313.979. Each grant to be used for payments to an 29520
approved tutorial assistance provider is payable to the approved 29521
tutorial assistance provider. 29522

(A) By the fifteenth day of each month of the school year 29523
that any scholarship students are enrolled in a registered 29524
private school, the chief administrator of that school shall 29525
notify the ~~state superintendent~~ director of education and 29526

workforce of: 29527

(1) The number of scholarship students who were reported 29528
to the school district as having been admitted by that private 29529
school pursuant to division (A) (2) (b) of section 3313.978 of the 29530
Revised Code and who were still enrolled in the private school 29531
as of the first day of such month; 29532

(2) The number of scholarship students who were reported 29533
to the school district as having been admitted by another 29534
private school pursuant to division (A) (2) (b) of section 29535
3313.978 of the Revised Code and since the date of admission 29536
have transferred to the school providing the notification under 29537
division (A) of this section. 29538

(B) Whenever an approved provider provides tutorial 29539
assistance to a student, the ~~state superintendent~~ director shall 29540
pay the approved provider for such costs upon receipt of a 29541
statement specifying the services provided and the costs of the 29542
services, which statement shall be signed by the provider and 29543
verified by the chief administrator having supervisory control 29544
over the tutoring site. The total payments to any approved 29545
provider under this division for all provider services to any 29546
individual student in any school year shall not exceed the grant 29547
amount provided in division (C) of section 3313.978 of the 29548
Revised Code. 29549

Sec. 3313.98. Notwithstanding division (D) of section 29550
3311.19 and division (D) of section 3311.52 of the Revised Code, 29551
the provisions of this section and sections 3313.981 to 3313.983 29552
of the Revised Code that apply to a city school district do not 29553
apply to a joint vocational or cooperative education school 29554
district unless expressly specified. 29555

(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:	29556 29557
(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:	29558 29559
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.	29560 29561 29562 29563 29564 29565 29566 29567 29568
(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.	29569 29570 29571 29572
(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.	29573 29574
(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.	29575 29576 29577
(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.	29578 29579 29580
(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.	29581 29582 29583

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

(6) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

(7) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

(9) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B) (1) The board of education of each city, local, and

exempted village school district shall adopt a resolution 29613
establishing for the school district one of the following 29614
policies: 29615

(a) A policy that entirely prohibits the enrollment of 29616
students from adjacent districts or other districts, other than 29617
students for whom tuition is paid in accordance with section 29618
3317.08 of the Revised Code; 29619

(b) A policy that permits enrollment of students from all 29620
adjacent districts in accordance with policy statements 29621
contained in the resolution; 29622

(c) A policy that permits enrollment of students from all 29623
other districts in accordance with policy statements contained 29624
in the resolution. 29625

(2) A policy permitting enrollment of students from 29626
adjacent or from other districts, as applicable, shall provide 29627
for all of the following: 29628

(a) Application procedures, including deadlines for 29629
application and for notification of students and the 29630
superintendent of the applicable district whenever an adjacent 29631
or other district student's application is approved. 29632

(b) Procedures for admitting adjacent or other district 29633
applicants free of any tuition obligation to the district's 29634
schools, including, but not limited to: 29635

(i) The establishment of district capacity limits by grade 29636
level, school building, and education program; 29637

(ii) A requirement that all native students wishing to be 29638
enrolled in the district will be enrolled and that any adjacent 29639
or other district students previously enrolled in the district 29640

shall receive preference over first-time applicants; 29641

(iii) Procedures to ensure that an appropriate racial 29642
balance is maintained in the district schools. 29643

(C) Except as provided in section 3313.982 of the Revised 29644
Code, the procedures for admitting adjacent or other district 29645
students, as applicable, shall not include: 29646

(1) Any requirement of academic ability, or any level of 29647
athletic, artistic, or other extracurricular skills; 29648

(2) Limitations on admitting applicants because of 29649
disability, except that a board may refuse to admit a student 29650
receiving services under Chapter 3323. of the Revised Code, if 29651
the services described in the student's IEP are not available in 29652
the district's schools; 29653

(3) A requirement that the student be proficient in the 29654
English language; 29655

(4) Rejection of any applicant because the student has 29656
been subject to disciplinary proceedings, except that if an 29657
applicant has been suspended or expelled by the student's 29658
district for ten consecutive days or more in the term for which 29659
admission is sought or in the term immediately preceding the 29660
term for which admission is sought, the procedures may include a 29661
provision denying admission of such applicant. 29662

(D) (1) Each school board permitting only enrollment of 29663
adjacent district students shall provide information about the 29664
policy adopted under this section, including the application 29665
procedures and deadlines, to the superintendent and the board of 29666
education of each adjacent district and, upon request, to the 29667
parent of any adjacent district student. 29668

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F) (1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section

3313.981 of the Revised Code. 29698

(G) The ~~state board~~ department of education and workforce shall monitor school districts to ensure compliance with this section and the districts' policies. The ~~board department~~ may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the ~~state board~~ department adopts such rules, no school board shall adopt a policy that conflicts with those rules. 29699
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(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract. 29709
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(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any native student of the district from enrolling in the district. 29718
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Sec. 3313.981. (A) The ~~state board~~ department of education and workforce shall adopt rules requiring all of the following: 29722
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(1) The board of education of each city, exempted village, and local school district to annually report to the department ~~of education~~ all of the following: 29724
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(a) The number of adjacent district or other district students in grades kindergarten through twelve, as applicable, the number of adjacent district or other district students who are preschool children with disabilities, as applicable, and the number of adjacent district or other district joint vocational students, as applicable, enrolled in the district, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(b) The number of native students in grades kindergarten through twelve enrolled in adjacent or other districts and the number of native students who are preschool children with disabilities enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(c) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district;

(d) The full-time equivalent number of adjacent district or other district students enrolled in each of the categories of career-technical education programs or classes described in section 3317.014 of the Revised Code;

(e) Each native student's date of enrollment in an adjacent or other district.

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;

(b) The full-time equivalent number of adjacent district 29756
or other district joint vocational students enrolled in each 29757
category of career-technical education programs or classes 29758
described in section 3317.014 of the Revised Code; 29759

(c) For each adjacent district or other district joint 29760
vocational student, the city, exempted village, or local school 29761
district in which the student is also enrolled. 29762

(3) Prior to the end of each reporting period specified in 29763
section 3317.03 of the Revised Code, the superintendent of each 29764
city, local, or exempted village school district that admits 29765
adjacent district or other district students who are in grades 29766
kindergarten through twelve, adjacent district or other district 29767
students who are preschool children with disabilities, or 29768
adjacent district or other district joint vocational students in 29769
accordance with a policy adopted under division (B) of section 29770
3313.98 of the Revised Code to report to the department ~~of~~ 29771
~~education~~ each adjacent or other district's students and where 29772
those students who are enrolled in the superintendent's district 29773
under the policy are entitled to attend school under section 29774
3313.64 or 3313.65 of the Revised Code. 29775

The rules shall provide for the method of counting 29776
students who are enrolled for part of a school year in an 29777
adjacent or other district or as an adjacent district or other 29778
district joint vocational student. 29779

(B) From the payments made to a city, exempted village, or 29780
local school district under Chapter 3317. of the Revised Code 29781
and, if necessary, from the payments made to the district under 29782
sections 321.24 and 323.156 of the Revised Code, the department 29783
~~of education~~ shall annually subtract, for each native student 29784
who is a preschool child with a disability reported under 29785

division (A) (1) of this section who is enrolled in an adjacent 29786
or other district pursuant to policies adopted by such a 29787
district under division (B) of section 3313.98 of the Revised 29788
Code, \$4,000. 29789

(C) To the payments made to a city, exempted village, or 29790
local school district under Chapter 3317. of the Revised Code, 29791
the department ~~of education~~ shall annually add, for each 29792
adjacent district or other district student who is a preschool 29793
child with a disability reported under division (A) (1) of this 29794
section who is enrolled in the district, \$4,000. 29795

(D) No city, exempted village, or local school district 29796
shall receive a payment under division (C) of this section for a 29797
student if for the same school year that student is counted in 29798
the district's enrollment certified under section 3317.03 of the 29799
Revised Code. 29800

(E) Upon request of a parent, and provided the board 29801
offers transportation to native students of the same grade level 29802
and distance from school under section 3327.01 of the Revised 29803
Code, a city, exempted village, or local school board enrolling 29804
an adjacent or other district student shall provide 29805
transportation for the student within the boundaries of the 29806
board's district, except that the board shall be required to 29807
pick up and drop off a nonhandicapped student only at a regular 29808
school bus stop designated in accordance with the board's 29809
transportation policy. Pursuant to rules of the ~~state board of~~ 29810
education department, such board may reimburse the parent from 29811
funds received for pupil transportation under section 3317.0212 29812
of the Revised Code, or other provisions of law, for the 29813
reasonable cost of transportation from the student's home to the 29814
designated school bus stop if the student's family has an income 29815

below the federal poverty line. 29816

Sec. 3313.982. Notwithstanding division (C) (1) of section 29817
3313.97 and division (C) (1) of section 3313.98 of the Revised 29818
Code: 29819

(A) Any school district board operating any schools on 29820
October 1, 1989, admission to which was restricted to students 29821
possessing certain academic, athletic, artistic, or other 29822
skills, may continue to restrict admission to such schools. 29823

(B) Any district board that did not operate any schools 29824
described by division (A) of this section on October 1, 1989, 29825
and that desires to begin restricting admission to any school on 29826
the basis of student academic, athletic, artistic, or other 29827
skills, may submit a plan proposing such restricted admission to 29828
the ~~state board~~ department of education. If the ~~board~~ department 29829
finds that the plan will generally promote increased educational 29830
opportunities for students in the district and will not unduly 29831
restrict opportunities for some students, it may approve the 29832
plan and the district board may implement it during the next 29833
ensuing school year. 29834

Sec. 3314.011. (A) Every community school established 29835
under this chapter shall have a designated fiscal officer. 29836
Except as provided for in division (C) of this section, the 29837
fiscal officer shall be employed by or engaged under a contract 29838
with the governing authority of the community school. 29839

(B) Except as otherwise provided in section 3.061 of the 29840
Revised Code, the auditor of state shall require that the fiscal 29841
officer of any community school, before entering upon duties as 29842
fiscal officer of the school, execute a bond in an amount and 29843
with surety to be approved by the governing authority of the 29844

school, payable to the state, conditioned for the faithful 29845
performance of all the official duties required of the fiscal 29846
officer. The bond shall be deposited with the governing 29847
authority of the school, and a copy thereof, certified by the 29848
governing authority, shall be filed with the county auditor. 29849

(C) Prior to assuming the duties of fiscal officer, the 29850
fiscal officer designated under this section shall be licensed 29851
under section 3301.074 of the Revised Code. Any person serving 29852
as a fiscal officer of a community school on March 22, 2013, who 29853
is not licensed as a treasurer shall be permitted to serve as a 29854
fiscal officer for not more than one year following March 22, 29855
2013. Beginning on that date and thereafter, no community school 29856
shall permit any individual to serve as a fiscal officer without 29857
a license as required by this section. 29858

(D) (1) The governing authority of a community school may 29859
adopt a resolution waiving the requirement that the governing 29860
authority is the party responsible to employ or contract with 29861
the designated fiscal officer, as prescribed by division (A) of 29862
this section, so long as the school's sponsor also approves the 29863
resolution. The resolution shall be valid for one year. A new 29864
resolution shall be adopted for each year that the governing 29865
authority wishes to waive this requirement, so long as the 29866
school's sponsor also approves the resolution. 29867

No resolution adopted pursuant to this division may waive 29868
the requirement for a community school to have a designated 29869
fiscal officer. 29870

(2) If the governing authority adopts a resolution 29871
pursuant to division (D) (1) of this section, the school's 29872
designated fiscal officer annually shall meet with the governing 29873
authority to review the school's financial status. 29874

(3) The governing authority shall submit to the department of education and workforce a copy of each resolution adopted pursuant to division (D)(1) of this section.

Sec. 3314.012. (A) ~~Within ninety days of September 28, 1999, the superintendent of public instruction~~ The director of education and workforce shall appoint representatives of the department of education and workforce, including employees who work with the education management information system, to a committee to develop report card models for community schools. The committee shall design model report cards appropriate for the various types of community schools approved to operate in the state. Sufficient models shall be developed to reflect the variety of grade levels served and the missions of the state's community schools. All models shall include both financial and academic data. ~~The initial models shall be developed by March 31, 2000.~~

(B) Except as provided in section 3314.017 of the Revised Code, the department of education and workforce shall issue an annual report card for each community school, regardless of how long the school has been in operation. The report card shall report the academic and financial performance of the school utilizing one of the models developed under division (A) of this section. The report card shall include all information applicable to school buildings under section 3302.03 of the Revised Code. The ratings a community school receives under section 3302.03 of the Revised Code for its first two full school years shall not be considered toward automatic closure of the school under section 3314.35 of the Revised Code or any other matter that is based on report card ratings.

(C) Upon receipt of a copy of a contract between a sponsor

and a community school entered into under this chapter, the 29905
department ~~of education~~ shall notify the community school of the 29906
specific model report card that will be used for that school. 29907

(D) Report cards shall be distributed to the parents of 29908
all students in the community school, to the members of the 29909
board of education of the school district in which the community 29910
school is located, and to any person who requests one from the 29911
department. 29912

Sec. 3314.013. (A) Until May 22, 2013, no internet- or 29913
computer-based community school shall operate unless the school 29914
was open for instruction as of May 1, 2005. No entity described 29915
in division (C) (1) of section 3314.02 of the Revised Code shall 29916
enter into a contract to sponsor an internet- or computer-based 29917
community school, including a conversion school, between May 1, 29918
2005, and May 22, 2013, except as follows: 29919

(1) The entity may renew a contract that the entity 29920
entered into with an internet- or computer-based community 29921
school prior to May 1, 2005, if the school was open for 29922
operation as of that date. 29923

(2) The entity may assume sponsorship of an existing 29924
internet- or computer-based community school that was formerly 29925
sponsored by another entity and may enter into a contract with 29926
that community school in accordance with section 3314.03 of the 29927
Revised Code. 29928

If a sponsor entered into a contract with an internet- or 29929
computer-based community school, including a conversion school, 29930
but the school was not open for operation as of May 1, 2005, the 29931
contract shall be void and the entity shall not enter into 29932
another contract with the school until May 22, 2013. 29933

(B) (1) Beginning on July 1, 2013, up to five new internet- 29934
or computer-based community schools may open each year, subject 29935
to approval of the ~~superintendent of public instruction~~ director 29936
of education and workforce under division (B) (2) of this 29937
section. 29938

(2) The ~~superintendent of public instruction~~ director 29939
shall approve applications for new internet- or computer-based 29940
community schools from only those applicants demonstrating 29941
experience and quality. 29942

The ~~state board~~ department of education and workforce 29943
shall adopt rules prescribing measures to determine experience 29944
and quality of applicants in accordance with Chapter 119. of the 29945
Revised Code. The measures shall include, but not be limited to, 29946
the following considerations: 29947

(a) The sponsor's experience with online schools; 29948

(b) The operator's experience with online schools; 29949

(c) The sponsor's and operator's previous record for 29950
student performance; 29951

(d) A preference for operators with previous experience in 29952
Ohio. 29953

~~The state board shall adopt the rules so that they are~~ 29954
~~effective May 22, 2013.~~ 29955

(3) The ~~department of education~~ shall notify any new 29956
internet- or computer-based community school governed by 29957
division (B) of this section of whether the ~~superintendent~~ 29958
director has approved or disapproved the school's application to 29959
open for the 2013-2014 school year not later than July 1, 2013. 29960
Notwithstanding the dates prescribed for adoption and signing on 29961

sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A) (25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.

(4) Notwithstanding divisions (B) (1) and (2) of this section, a sponsor rated "exemplary" on its most recent evaluation conducted under section 3314.016 of the Revised Code is permitted to open up to two new internet- or computer-based community schools that will primarily serve students enrolled in a dropout prevention and recovery program each year, not to exceed six new schools in a five-year period.

(C) Nothing in division (A) or (B) of this section prohibits an internet- or computer-based community school from increasing the number of grade levels it offers.

Sec. 3314.015. (A) The department of education and workforce shall be responsible for the oversight of any and all sponsors of the community schools established under this chapter and shall provide technical assistance to schools and sponsors in their compliance with applicable laws and the terms of the contracts entered into under section 3314.03 of the Revised Code and in the development and start-up activities of those schools. In carrying out its duties under this section, the department shall do all of the following:

(1) In providing technical assistance to proposing parties, governing authorities, and sponsors, conduct training

sessions and distribute informational materials;	29992
(2) Approve entities to be sponsors of community schools;	29993
(3) Monitor and evaluate, as required under section	29994
3314.016 of the Revised Code, the effectiveness of any and all	29995
sponsors in their oversight of the schools with which they have	29996
contracted;	29997
(4) By December thirty-first of each year, issue a report	29998
to the governor, the speaker of the house of representatives,	29999
the president of the senate, and the chairpersons of the house	30000
and senate committees principally responsible for education	30001
matters regarding the effectiveness of academic programs,	30002
operations, and legal compliance and of the financial condition	30003
of all community schools established under this chapter and on	30004
the performance of community school sponsors;	30005
(5) From time to time, make legislative recommendations to	30006
the general assembly designed to enhance the operation and	30007
performance of community schools.	30008
(B) (1) Except as provided in sections 3314.021 and	30009
3314.027 of the Revised Code, no entity shall enter into a	30010
preliminary agreement under division (C) (2) of section 3314.02	30011
of the Revised Code or renew an existing contract to sponsor a	30012
community school until it has received approval from the	30013
department of education to sponsor community schools under this	30014
chapter and has entered into a written agreement with the	30015
department regarding the manner in which the entity will conduct	30016
such sponsorship.	30017
On and after July 1, 2017, each entity that sponsors a	30018
community school in this state, except for an entity described	30019
in sections 3314.021 and 3314.027 of the Revised Code, shall	30020

attain approval from the department in order to continue 30021
sponsoring schools regardless of whether that entity intends to 30022
enter into a preliminary agreement or renew an existing 30023
contract. 30024

All new and renewed agreements between the department and 30025
a sponsor shall contain specific language addressing the 30026
parameters under which the department can intervene and 30027
potentially revoke sponsorship authority in the event that the 30028
sponsor is unwilling or unable to fulfill its obligations. 30029
Additionally, each agreement shall set forth any territorial 30030
restrictions and limits on the number of schools that entity may 30031
sponsor, provide for an annual evaluation process, and include a 30032
stipulation permitting the department to modify the agreement 30033
under the following circumstances: 30034

(a) Poor fiscal management; 30035

(b) Lack of academic progress. 30036

(2) The initial term of a sponsor's agreement with the 30037
department shall be for up to five years. 30038

(a) An agreement entered into with the department pursuant 30039
to this section may be renewed for a term of up to ten years 30040
using the following criteria: 30041

(i) The academic performance of students enrolled in each 30042
community school the entity sponsors, as determined by the 30043
department pursuant to division (B) (1) (a) of section 3314.016 of 30044
the Revised Code; 30045

(ii) The sponsor's adherence to quality practices, as 30046
determined by the department pursuant to division (B) (1) (b) of 30047
section 3314.016 of the Revised Code; 30048

(iii) The sponsor's compliance with all applicable laws and administrative rules. 30049
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(b) Each agreement between the department and a sponsor shall specify that entities with an overall rating of "exemplary" for at least two consecutive years shall not be subject to the limit on the number of community schools the entity may sponsor or any territorial restrictions on sponsorship, for so long as that entity continues to be rated "exemplary." 30051
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(c) The ~~state board of education~~ department shall adopt in accordance with Chapter 119. of the Revised Code rules containing criteria, procedures, and deadlines for processing applications for approval of sponsors, for oversight of sponsors, for notifying a sponsor of noncompliance with applicable laws and administrative rules under division (F) of this section, for revocation of the approval of sponsors under division (C) of this section, and for entering into written agreements with sponsors. The rules shall require an entity to submit evidence of the entity's ability and willingness to comply with the provisions of division (D) of section 3314.03 of the Revised Code. The rules also shall require all entities approved as sponsors to demonstrate a record of financial responsibility and successful implementation of educational programs. If an entity seeking approval to sponsor community schools in this state sponsors or operates schools in another state, at least one of the schools sponsored or operated by the entity must be comparable to or better than the performance of Ohio schools in need of continuous improvement under section 3302.03 of the Revised Code, as determined by the department. 30058
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Subject to section 3314.016 of the Revised Code, an entity 30078

that sponsors community schools may enter into preliminary 30079
agreements and sponsor up to one hundred schools, provided each 30080
school and the contract for sponsorship meets the requirements 30081
of this chapter. 30082

(3) The ~~state board of education~~ department shall 30083
determine, pursuant to criteria specified in rules adopted in 30084
accordance with Chapter 119. of the Revised Code, whether the 30085
mission proposed to be specified in the contract of a community 30086
school to be sponsored by a state university board of trustees 30087
or the board's designee under division (C)(1)(e) of section 30088
3314.02 of the Revised Code complies with the requirements of 30089
that division. Such determination of the ~~state board~~ department 30090
is final. 30091

(4) The ~~state board of education~~ department shall 30092
determine, pursuant to criteria specified in rules adopted in 30093
accordance with Chapter 119. of the Revised Code, if any tax- 30094
exempt entity under section 501(c)(3) of the Internal Revenue 30095
Code that is proposed to be a sponsor of a community school is 30096
an education-oriented entity for purpose of satisfying the 30097
condition prescribed in division (C)(1)(f)(iii) of section 30098
3314.02 of the Revised Code. Such determination of the ~~state-~~ 30099
~~board~~ department is final. 30100

(C) If at any time the ~~state board of education~~ department 30101
finds that a sponsor is not in compliance or is no longer 30102
willing to comply with its contract with any community school or 30103
with the department's rules for sponsorship, the ~~state board or~~ 30104
~~designee~~ department shall conduct a hearing in accordance with 30105
Chapter 119. of the Revised Code on that matter. If after the 30106
hearing, the ~~state board or designee~~ department has confirmed 30107
the original finding, ~~the department of education~~ it may revoke 30108

the sponsor's approval to sponsor community schools. In that 30109
case, the department's office of Ohio school sponsorship, 30110
established under section 3314.029 of the Revised Code, may 30111
assume the sponsorship of any schools with which the sponsor has 30112
contracted until the earlier of the expiration of two school 30113
years or until a new sponsor as described in division (C) (1) of 30114
section 3314.02 of the Revised Code is secured by the school's 30115
governing authority. The office of Ohio school sponsorship may 30116
extend the term of the contract in the case of a school for 30117
which it has assumed sponsorship under this division as 30118
necessary to accommodate the term of the department's 30119
authorization to sponsor the school specified in this division. 30120
Community schools sponsored under this division shall not apply 30121
to the limit on directly authorized community schools under 30122
division (A) (3) of section 3314.029 of the Revised Code. 30123
However, nothing in this division shall preclude a community 30124
school affected by this division from applying for sponsorship 30125
under that section. 30126

(D) The decision of the department to disapprove an entity 30127
for sponsorship of a community school or to revoke approval for 30128
such sponsorship under division (C) of this section, may be 30129
appealed by the entity in accordance with section 119.12 of the 30130
Revised Code. 30131

(E) The department shall adopt procedures for use by a 30132
community school governing authority and sponsor when the school 30133
permanently closes and ceases operation, which shall include at 30134
least procedures for data reporting to the department, handling 30135
of student records, distribution of assets in accordance with 30136
section 3314.074 of the Revised Code, and other matters related 30137
to ceasing operation of the school. 30138

(F) (1) In lieu of revoking a sponsor's authority to sponsor community schools under division (C) of this section, if the department finds that a sponsor is not in compliance with applicable laws and administrative rules, the department shall declare in a written notice to the sponsor the specific laws or rules, or both, for which the sponsor is noncompliant. A sponsor notified under division (F) (1) of this section shall respond to the department not later than fourteen days after the notification with a proposed plan to remedy the conditions for which the sponsor was found to be noncompliant. The department shall approve or disapprove the plan not later than fourteen days after receiving it. If the plan is disapproved, the sponsor may submit a revised plan to the department not later than fourteen days after receiving notification of disapproval from the department or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. The department shall approve or disapprove the revised plan not later than fourteen days after receiving it or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. A sponsor may continue to make revisions by the deadlines prescribed in division (F) (1) of this section to any revised plan that is disapproved by the department until the sixtieth day after the date the sponsor received notification of noncompliance from the department.

If a plan or a revised plan is approved, the sponsor shall implement it not later than sixty days after the date the sponsor received notification of noncompliance from the department or not later than thirty days after the plan is approved, whichever is later. If a sponsor does not respond to the department or implement an approved compliance plan by the

deadlines prescribed by division (F) (1) of this section, or if a sponsor does not receive approval of a compliance plan on or before the sixtieth day after the date the sponsor received notification of noncompliance from the department, the department shall declare in written notice to the sponsor that the sponsor is in probationary status, and may limit the sponsor's ability to sponsor additional schools.

(2) A sponsor that has been placed on probationary status under division (F) (1) of this section may apply to the department for its probationary status to be lifted. The application for a sponsor's probationary status to be lifted shall include evidence, occurring after the initial notification of noncompliance, of the sponsor's compliance with applicable laws and administrative rules. Not later than fourteen days after receiving an application from the sponsor, the department shall decide whether or not to remove the sponsor's probationary status.

(G) In carrying out its duties under this chapter, the department shall not impose requirements on community schools or their sponsors that are not permitted by law or duly adopted rules.

(H) This section applies to entities that sponsor conversion community schools and new start-up schools.

(I) Nothing in divisions (C) to (F) of this section prohibits the department from taking any action permitted or required under the written agreement between the department and a sponsoring entity without a hearing on the matter, in the event that the sponsor is unwilling or unable to fulfill its obligations.

Sec. 3314.016. This section applies to any entity that 30199
sponsors a community school, regardless of whether section 30200
3314.021 or 3314.027 of the Revised Code exempts the entity from 30201
the requirement to be approved for sponsorship under divisions 30202
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 30203
office of Ohio school sponsorship established under section 30204
3314.029 of the Revised Code shall be rated under division (B) 30205
of this section, but divisions (A) and (C) of this section do 30206
not apply to the office. 30207

(A) An entity that sponsors a community school shall be 30208
permitted to enter into contracts under section 3314.03 of the 30209
Revised Code to sponsor additional community schools only if the 30210
entity meets all of the following criteria: 30211

(1) The entity is in compliance with all provisions of 30212
this chapter requiring sponsors of community schools to report 30213
data or information to the department of education and 30214
workforce. 30215

(2) The entity is not rated as "ineffective" under 30216
division (B) (6) of this section. 30217

(3) Except as set forth in sections 3314.021 and 3314.027 30218
of the Revised Code, the entity has received approval from and 30219
entered into an agreement with the department ~~of education~~ 30220
pursuant to section 3314.015 of the Revised Code. 30221

(B) (1) The department shall develop and implement an 30222
evaluation system that annually rates and assigns an overall 30223
rating to each entity that sponsors a community school. The 30224
department, not later than the first day of February of each 30225
year, shall post on the department's web site the framework for 30226
the evaluation system, including technical documentation that 30227

the department intends to use to rate sponsors for the next 30228
school year. The department shall solicit public comment on the 30229
evaluation system for thirty consecutive days. Not later than 30230
the first day of April of each year, the department shall 30231
compile and post on the department's web site all public 30232
comments that were received during the public comment period. 30233
The evaluation system shall be posted on the department's web 30234
site by the fifteenth day of July of each school year. Any 30235
changes to the evaluation system after that date shall take 30236
effect the following year. The evaluation system shall be based 30237
on the following components: 30238

(a) Academic performance of students enrolled in community 30239
schools sponsored by the same entity. The academic performance 30240
component shall be derived from the performance measures 30241
prescribed for the state report cards under section 3302.03 or 30242
3314.017 of the Revised Code, and shall be based on the 30243
performance of the schools for the school year for which the 30244
evaluation is conducted. In addition to the academic performance 30245
for a specific school year, the academic performance component 30246
shall also include year-to-year changes in the overall sponsor 30247
portfolio. For a community school for which no graded 30248
performance measures are applicable or available, the department 30249
shall use nonreport card performance measures specified in the 30250
contract between the community school and the sponsor under 30251
division (A) (4) of section 3314.03 of the Revised Code. 30252

(b) Adherence by a sponsor to the quality practices 30253
prescribed by the department under division (B) (3) of this 30254
section. For a sponsor that was rated "effective" or "exemplary" 30255
on its most recent rating, the department may evaluate that 30256
sponsor's adherence to quality practices once over a period of 30257
three years. If the department elects to evaluate a sponsor once 30258

over a period of three years, the most recent rating for a sponsor's adherence to quality practices shall be used when determining an annual overall rating conducted under this section.

(c) Compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

Under the evaluation system prescribed under division (B) (1) of this section, the department shall not assign an overall rating of "ineffective" or lower to an entity that sponsors a community school solely because that entity received no points on one of the components prescribed under that division.

(2) In calculating an academic performance component, the department shall exclude all community schools that have been in operation for not more than two full school years and all community schools described in division (A) (4) (b) of section 3314.35 of the Revised Code. However, the academic performance of the community schools described in division (A) (4) (b) of section 3314.35 of the Revised Code shall be reported, but shall not be used as a factor when determining a sponsoring entity's rating under this section.

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

(4) (a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under

division (B) (3) of this section. Peer reviewers shall be limited 30288
to individuals employed by sponsors rated "effective" or 30289
"exemplary" on the most recent ratings conducted under this 30290
section. 30291

(b) The department shall require individuals participating 30292
in peer review under division (B) (4) (a) of this section to 30293
complete training approved or established by the department. 30294

(c) The department may enter into an agreement with 30295
another entity to provide training to individuals conducting 30296
peer review of sponsors. Prior to entering into an agreement 30297
with an entity, the department shall review and approve of the 30298
entity's training program. 30299

(5) The ~~state board~~ director of education and workforce 30300
shall adopt rules in accordance with Chapter 119. of the Revised 30301
Code prescribing standards for measuring compliance with 30302
applicable laws and rules under division (B) (1) (c) of this 30303
section. 30304

(6) The department annually shall rate all entities that 30305
sponsor community schools as either "exemplary," "effective," 30306
"ineffective," or "poor," based on the components prescribed by 30307
division (B) of this section, where each component is weighted 30308
equally. A separate rating shall be given by the department for 30309
each component of the evaluation system. 30310

The department shall publish the ratings between the first 30311
day of October and the fifteenth day of November. 30312

Prior to the publication of the final ratings, the 30313
department shall designate and provide notice of a period of at 30314
least ten business days during which each sponsor may review the 30315
information used by the department to determine the sponsor's 30316

rating on the components prescribed by division (B) (1) of this 30317
section. If the sponsor believes there is an error in the 30318
department's evaluation, the sponsor may request adjustments to 30319
the rating of any of those components based on documentation 30320
previously submitted as part of an evaluation. The sponsor shall 30321
provide to the department any necessary evidence or information 30322
to support the requested adjustments. The department shall 30323
review the evidence and information, determine whether an 30324
adjustment is valid, and promptly notify the sponsor of its 30325
determination and reasons. If any adjustments to the data could 30326
result in a change to the rating on the applicable component or 30327
to the overall rating, the department shall recalculate the 30328
ratings prior to publication. 30329

The department shall provide training on an annual basis 30330
regarding the evaluation system prescribed under this section. 30331
The training shall, at a minimum, describe methodology, 30332
timelines, and data required for the evaluation system. The 30333
first training session shall occur not later than March 2, 2016. 30334
Beginning in 2018, the training shall be made available to each 30335
entity that sponsors a community school by the fifteenth day of 30336
July of each year and shall include guidance on any changes made 30337
to the evaluation system. 30338

(7) (a) Entities with an overall rating of "exemplary" for 30339
the two most recent years in which the entity was evaluated may 30340
take advantage of the following incentives: 30341

(i) Renewal of the written agreement with the department, 30342
not to exceed ten years, provided that the entity consents to 30343
continued evaluation of adherence to quality practices as 30344
described in division (B) (1) (b) of this section; 30345

(ii) The ability to extend the term of the contract 30346

between the sponsoring entity and the community school beyond 30347
the term described in the written agreement with the department; 30348

(iii) An exemption from the preliminary agreement and 30349
contract adoption and execution deadline requirements prescribed 30350
in division (D) of section 3314.02 of the Revised Code; 30351

(iv) An exemption from the automatic contract expiration 30352
requirement, should a new community school fail to open by the 30353
thirtieth day of September of the calendar year in which the 30354
community school contract is executed; 30355

(v) No limit on the number of community schools the entity 30356
may sponsor; 30357

(vi) No territorial restrictions on sponsorship. 30358

An entity may continue to sponsor any community schools 30359
with which it entered into agreements under division (B) (7) (a) 30360
(v) or (vi) of this section while rated "exemplary," 30361
notwithstanding the fact that the entity later receives a lower 30362
overall rating. 30363

(b) Entities with an overall rating of "exemplary" or 30364
"effective" for the three most recent years in which the entity 30365
was evaluated shall be evaluated by the department once every 30366
three years. 30367

(c) (i) Entities that receive an overall rating of 30368
"ineffective" shall be prohibited from sponsoring any new or 30369
additional community schools during the time in which the 30370
sponsor is rated as "ineffective" and shall be subject to a 30371
quality improvement plan based on correcting the deficiencies 30372
that led to the "ineffective" rating, with timelines and 30373
benchmarks that have been established by the department. 30374

(ii) Entities that receive an overall rating of "ineffective" on their three most recent ratings shall have all sponsorship authority revoked. Within thirty days after receiving its third rating of "ineffective," the entity may appeal the revocation of its sponsorship authority to the ~~superintendent of public instruction~~ director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the ~~state board of education~~ director shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(d) Entities that receive an overall rating of "poor" shall have all sponsorship authority revoked. Within thirty days after receiving a rating of "poor," the entity may appeal the revocation of its sponsorship authority to the ~~superintendent of public instruction~~ director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the ~~state board of education~~ director shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(8) For the 2014-2015 school year and each school year thereafter, student academic performance prescribed under division (B)(1)(a) of this section shall include student academic performance data from community schools that primarily

serve students enrolled in a dropout prevention and recovery program. 30406
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(C) If the governing authority of a community school enters into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A) (3) of section 3314.029 of the Revised Code. 30408
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(D) When an entity's authority to sponsor schools is revoked pursuant to division (B) (7) (c) or (d) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of: 30425
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(1) The expiration of two school years from the time that sponsorship is revoked; 30431
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(2) When a new sponsor is secured by the governing authority pursuant to division (C) (1) of section 3314.02 of the Revised Code. 30433
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Any community school sponsored under this division shall 30436
not be counted for purposes of directly authorized community 30437
schools under division (A) (3) of section 3314.029 of the Revised 30438
Code. 30439

(E) The department shall recalculate the rating for the 30440
2017-2018 school year for each sponsor of a community school 30441
that receives recalculated ratings pursuant to division (I) of 30442
section 3314.017 of the Revised Code. 30443

Sec. 3314.017. (A) The ~~state board~~ department of education 30444
and workforce shall prescribe by rules, adopted in accordance 30445
with Chapter 119. of the Revised Code, an academic performance 30446
rating and report card system that satisfies the requirements of 30447
this section for community schools that primarily serve students 30448
enrolled in dropout prevention and recovery programs as 30449
described in division (A) (4) (a) of section 3314.35 of the 30450
Revised Code, to be used in lieu of the system prescribed under 30451
sections 3302.03 and 3314.012 of the Revised Code beginning with 30452
the 2012-2013 school year. Each such school shall comply with 30453
the testing and reporting requirements of the system as 30454
prescribed by the ~~state board~~ department. 30455

(B) Nothing in this section shall at any time relieve a 30456
school from its obligations under the "No Child Left Behind Act 30457
of 2001" to make "adequate yearly progress," as both that act 30458
and that term are defined in section 3302.01 of the Revised 30459
Code, or a school's amenability to the provisions of section 30460
3302.04 or 3302.041 of the Revised Code. The department ~~of~~ 30461
~~education~~ shall continue to report each school's performance as 30462
required by the act and to enforce applicable sanctions under 30463
section 3302.04 or 3302.041 of the Revised Code. 30464

(C) The rules adopted by the ~~state board~~ department shall 30465

prescribe the following performance indicators for the rating	30466
and report card system required by this section:	30467
(1) Graduation rate for each of the following student	30468
cohorts:	30469
(a) The number of students who graduate in four years or	30470
less with a regular high school diploma divided by the number of	30471
students who form the adjusted cohort for the graduating class;	30472
(b) The number of students who graduate in five years with	30473
a regular high school diploma divided by the number of students	30474
who form the adjusted cohort for the four-year graduation rate;	30475
(c) The number of students who graduate in six years with	30476
a regular high school diploma divided by the number of students	30477
who form the adjusted cohort for the four-year graduation rate;	30478
(d) The number of students who graduate in seven years	30479
with a regular high school diploma divided by the number of	30480
students who form the adjusted cohort for the four-year	30481
graduation rate;	30482
(e) The number of students who graduate in eight years	30483
with a regular high school diploma divided by the number of	30484
students who form the adjusted cohort for the four-year	30485
graduation rate.	30486
(2) The percentage of twelfth-grade students currently	30487
enrolled in the school who have attained the designated passing	30488
score on all of the state high school achievement assessments	30489
required under division (B) (1) of section 3301.0710 of the	30490
Revised Code or the cumulative performance score on the end-of-	30491
course examinations prescribed under division (B) (2) of section	30492
3301.0712 of the Revised Code, whichever applies, and other	30493
students enrolled in the school, regardless of grade level, who	30494

are within three months of their twenty-second birthday and have 30495
attained the designated passing score on all of the state high 30496
school achievement assessments or the cumulative performance 30497
score on the end-of-course examinations, whichever applies, by 30498
their twenty-second birthday; 30499

(3) Annual measurable objectives as defined in section 30500
3302.01 of the Revised Code; 30501

(4) Growth in student achievement in reading, or 30502
mathematics, or both as measured by separate nationally norm- 30503
referenced assessments that have developed appropriate standards 30504
for students enrolled in dropout prevention and recovery 30505
programs, adopted or approved by the ~~state board~~ department. 30506

(D) (1) The ~~state board's~~ department's rules shall 30507
prescribe the expected performance levels and benchmarks for 30508
each of the indicators prescribed by division (C) of this 30509
section based on the data gathered by the department under 30510
division (G) of this section. Based on a school's level of 30511
attainment or nonattainment of the expected performance levels 30512
and benchmarks for each of the indicators, the department shall 30513
rate each school in one of the following categories: 30514

(a) Exceeds standards; 30515

(b) Meets standards; 30516

(c) Does not meet standards. 30517

(2) The ~~state board's~~ department's rules shall establish 30518
all of the following: 30519

(a) Not later than June 30, 2013, performance levels and 30520
benchmarks for the indicators described in divisions (C) (1) to 30521
(3) of this section; 30522

(b) Not later than December 31, 2014, both of the	30523
following:	30524
(i) Performance levels and benchmarks for the indicator	30525
described in division (C) (4) of this section;	30526
(ii) Standards for awarding a community school described	30527
in division (A) (4) (a) of section 3314.35 of the Revised Code an	30528
overall designation, which shall be calculated as follows:	30529
(I) Thirty per cent of the score shall be based on the	30530
indicators described in division (C) (1) of this section that are	30531
applicable to the school year for which the overall designation	30532
is granted.	30533
(II) Thirty per cent of the score shall be based on the	30534
indicators described in division (C) (4) of this section.	30535
(III) Twenty per cent of the score shall be based on the	30536
indicators described in division (C) (2) of this section.	30537
(IV) Twenty per cent of the score shall be based on the	30538
indicators described in division (C) (3) of this section.	30539
(3) If both of the indicators described in divisions (C)	30540
(1) and (2) of this section improve by ten per cent for two	30541
consecutive years, a school shall be rated not less than "meets	30542
standards."	30543
The rating and the relevant performance data for each	30544
school shall be posted on the department's web site, and a copy	30545
of the rating and data shall be provided to the governing	30546
authority of the community school.	30547
(E) (1) For the 2012-2013 school year, the department shall	30548
issue a report card including the following performance	30549
measures, but without a performance rating as described in	30550

divisions (D) (1) (a) to (c) of this section, for each community	30551
school described in division (A) (4) (a) of section 3314.35 of the	30552
Revised Code:	30553
(a) The graduation rates as described in divisions (C) (1)	30554
(a) to (c) of this section;	30555
(b) The percentage of twelfth-grade students and other	30556
students who have attained a designated passing score on high	30557
school achievement assessments as described in division (C) (2)	30558
of this section;	30559
(c) The statewide average for the graduation rates and	30560
assessment passage rates described in divisions (C) (1) (a) to (c)	30561
and (C) (2) of this section;	30562
(d) Annual measurable objectives described in division (C)	30563
(3) of this section.	30564
(2) For the 2013-2014 school year, the department shall	30565
issue a report card including the following performance measures	30566
for each community school described in division (A) (4) (a) of	30567
section 3314.35 of the Revised Code:	30568
(a) The graduation rates described in divisions (C) (1) (a)	30569
to (d) of this section, including a performance rating as	30570
described in divisions (D) (1) (a) to (c) of this section;	30571
(b) The percentage of twelfth-grade students and other	30572
students who have attained a designated passing score on high	30573
school achievement assessments as described in division (C) (2)	30574
of this section, including a performance rating as described in	30575
divisions (D) (1) (a) to (c) of this section;	30576
(c) Annual measurable objectives described in division (C)	30577
(3) of this section, including a performance rating as described	30578

in divisions (D) (1) (a) to (c) of this section;	30579
(d) Both of the following without an assigned rating:	30580
(i) Growth in annual student achievement in reading and mathematics described in division (C) (4) of this section, if available;	30581 30582 30583
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	30584 30585 30586
(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A) (4) (a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D) (1) (a) to (c) of this section:	30587 30588 30589 30590 30591 30592 30593
(a) The graduation rates as described in division (C) (1) of this section;	30594 30595
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C) (2) of this section;	30596 30597 30598 30599
(c) Annual measurable objectives described in division (C) (3) of this section, including a performance rating as described in divisions (D) (1) (a) to (c) of this section;	30600 30601 30602
(d) Growth in annual student achievement in reading and mathematics as described in division (C) (4) of this section;	30603 30604
(e) An overall performance designation for the school calculated under rules adopted under division (D) (2) of this	30605 30606

section. 30607

The department shall also include student outcome data, 30608
including postsecondary credit earned, nationally recognized 30609
career or technical certification, military enlistment, job 30610
placement, attendance rate, and progress on closing achievement 30611
gaps for each school. This information shall not be included in 30612
the calculation of a school's performance rating. 30613

(F) Not later than the thirty-first day of July of each 30614
year, the department shall submit preliminary report card data 30615
for overall academic performance for each performance measure 30616
prescribed in division (E) (3) of this section for each community 30617
school to which this section applies. 30618

(G) In developing the rating and report card system 30619
required by this section, during the 2012-2013 and 2013-2014 30620
school years, the department shall gather and analyze data as 30621
determined necessary from each community school described in 30622
division (A) (4) (a) of section 3314.35 of the Revised Code. Each 30623
such school shall cooperate with the department by supplying 30624
requested data and administering required assessments, including 30625
sample assessments for purposes of measuring student achievement 30626
growth as described in division (C) (4) of this section. The 30627
department shall consult with stakeholder groups in performing 30628
its duties under this division. 30629

The department shall also identify one or more states that 30630
have established or are in the process of establishing similar 30631
academic performance rating systems for dropout prevention and 30632
recovery programs and consult with the departments of education 30633
of those states in developing the system required by this 30634
section. 30635

(H) ~~Not later than December 31, 2014, the state board~~ The 30636
department shall review the performance levels and benchmarks 30637
for performance indicators in the report card issued under this 30638
section and may revise them based on the data collected under 30639
division (G) of this section. 30640

(I) For the purposes of division (F) of section 3314.351 30641
of the Revised Code, the department shall recalculate the 30642
ratings for each school under division (E) (3) of this section 30643
for the 2017-2018 school year and calculate the ratings under 30644
that division for the 2018-2019 school year using the indicators 30645
prescribed by division (C) of this section, as it exists on and 30646
after July 18, 2019. 30647

Sec. 3314.02. (A) As used in this chapter: 30648

(1) "Sponsor" means the board of education of a school 30649
district or the governing board of an educational service center 30650
that agrees to the conversion of all or part of a school or 30651
building under division (B) of this section, or an entity listed 30652
in division (C) (1) of this section, which has been approved by 30653
the department of education and workforce to sponsor community 30654
schools or is exempted by section 3314.021 or 3314.027 of the 30655
Revised Code from obtaining approval, and with which the 30656
governing authority of a community school enters into a contract 30657
under section 3314.03 of the Revised Code. 30658

(2) "Pilot project area" means the school districts 30659
included in the territory of the former community school pilot 30660
project established by former Section 50.52 of Am. Sub. H.B. No. 30661
215 of the 122nd general assembly. 30662

(3) "Challenged school district" means any of the 30663
following: 30664

- (a) A school district that is part of the pilot project area; 30665
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- (b) A school district that meets one of the following conditions: 30667
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- (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 30669
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- (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code; 30673
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- (iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section; 30678
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- (iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D) (3) (c) of that section. 30685
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- (c) A big eight school district; 30691
- (d) A school district ranked in the lowest five per cent of school districts according to performance index score under 30692
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section 3302.21 of the Revised Code. 30694

(4) "Big eight school district" means a school district 30695
that for fiscal year 1997 had both of the following: 30696

(a) A percentage of children residing in the district and 30697
participating in the predecessor of Ohio works first greater 30698
than thirty per cent, as reported pursuant to section 3317.10 of 30699
the Revised Code; 30700

(b) An average daily membership greater than twelve 30701
thousand, as reported pursuant to former division (A) of section 30702
3317.03 of the Revised Code. 30703

(5) "New start-up school" means a community school other 30704
than one created by converting all or part of an existing public 30705
school or educational service center building, as designated in 30706
the school's contract pursuant to division (A)(17) of section 30707
3314.03 of the Revised Code. 30708

(6) "Urban school district" means one of the state's 30709
twenty-one urban school districts as defined in division (O) of 30710
section 3317.02 of the Revised Code as that section existed 30711
prior to July 1, 1998. 30712

(7) "Internet- or computer-based community school" means a 30713
community school established under this chapter in which the 30714
enrolled students work primarily from their residences on 30715
assignments in nonclassroom-based learning opportunities 30716
provided via an internet- or other computer-based instructional 30717
method that does not rely on regular classroom instruction or 30718
via comprehensive instructional methods that include internet- 30719
based, other computer-based, and noncomputer-based learning 30720
opportunities unless a student receives career-technical 30721
education under section 3314.086 of the Revised Code. 30722

A community school that operates mainly as an internet- or 30723
computer-based community school and provides career-technical 30724
education under section 3314.086 of the Revised Code shall be 30725
considered an internet- or computer-based community school, even 30726
if it provides some classroom-based instruction, so long as it 30727
provides instruction via the methods described in this division. 30728

(8) "Operator" or "management company" means either of the 30729
following: 30730

(a) An individual or organization that manages the daily 30731
operations of a community school pursuant to a contract between 30732
the operator or management company and the school's governing 30733
authority; 30734

(b) A nonprofit organization that provides programmatic 30735
oversight and support to a community school under a contract 30736
with the school's governing authority and that retains the right 30737
to terminate its affiliation with the school if the school fails 30738
to meet the organization's quality standards. 30739

(9) "Alliance municipal school district" has the same 30740
meaning as in section 3311.86 of the Revised Code. 30741

(B) (1) Any person or group of individuals may initially 30742
propose under this division the conversion of all or a portion 30743
of a public school to a community school. The proposal shall be 30744
made to the board of education of the city, local, exempted 30745
village, or joint vocational school district in which the public 30746
school is proposed to be converted. 30747

(2) Any person or group of individuals may initially 30748
propose under this division the conversion of all or a portion 30749
of a building operated by an educational service center to a 30750
community school. The proposal shall be made to the governing 30751

board of the service center. 30752

On or after July 1, 2017, except as provided in section 30753
3314.027 of the Revised Code, any educational service center 30754
that sponsors a community school shall be approved by and enter 30755
into a written agreement with the department as described in 30756
section 3314.015 of the Revised Code. 30757

(3) Upon receipt of a proposal, and after an agreement has 30758
been entered into pursuant to section 3314.015 of the Revised 30759
Code, a board may enter into a preliminary agreement with the 30760
person or group proposing the conversion of the public school or 30761
service center building, indicating the intention of the board 30762
to support the conversion to a community school. A proposing 30763
person or group that has a preliminary agreement under this 30764
division may proceed to finalize plans for the school, establish 30765
a governing authority for the school, and negotiate a contract 30766
with the board. Provided the proposing person or group adheres 30767
to the preliminary agreement and all provisions of this chapter, 30768
the board shall negotiate in good faith to enter into a contract 30769
in accordance with section 3314.03 of the Revised Code and 30770
division (C) of this section. 30771

(4) The sponsor of a conversion community school proposed 30772
to open in an alliance municipal school district shall be 30773
subject to approval by the department of education and workforce 30774
for sponsorship of that school using the criteria established 30775
under division (A) of section 3311.87 of the Revised Code. 30776

Division (B) (4) of this section does not apply to a 30777
sponsor that, on or before September 29, 2015, was exempted 30778
under section 3314.021 or 3314.027 of the Revised Code from the 30779
requirement to be approved for sponsorship under divisions (A) 30780
(2) and (B) (1) of section 3314.015 of the Revised Code. 30781

(5) A school established in accordance with division (B) 30782
of this section that later enters into a sponsorship contract 30783
with an entity that is not a school district or educational 30784
service center shall, at the time of entering into the new 30785
contract, be deemed a community school established in accordance 30786
with division (C) of this section. 30787

(C) (1) Provided all other conditions of sponsorship and 30788
governance are satisfied, any person or group of individuals may 30789
propose under this division the establishment of a new start-up 30790
school regardless of the school's proposed location. The 30791
proposal may be made to any of the following entities: 30792

(a) The board of education of the district in which the 30793
school is proposed to be located; 30794

(b) The board of education of any joint vocational school 30795
district with territory in the county in which is located the 30796
majority of the territory of the district in which the school is 30797
proposed to be located; 30798

(c) The board of education of any other city, local, or 30799
exempted village school district having territory in the same 30800
county where the district in which the school is proposed to be 30801
located has the major portion of its territory; 30802

(d) The governing board of any educational service center, 30803
regardless of the location of the proposed school, may sponsor a 30804
new start-up school if all of the following are satisfied: 30805

(i) If applicable, it satisfies the requirements of 30806
division (E) of section 3311.86 of the Revised Code; 30807

(ii) It is approved to do so by the department; 30808

(iii) It enters into an agreement with the department 30809

under section 3314.015 of the Revised Code. 30810

(e) A sponsoring authority designated by the board of 30811
trustees of any of the thirteen state universities listed in 30812
section 3345.011 of the Revised Code or the board of trustees 30813
itself as long as a mission of the proposed school to be 30814
specified in the contract under division (A) (2) of section 30815
3314.03 of the Revised Code and as approved by the department 30816
under division (B) (3) of section 3314.015 of the Revised Code 30817
will be the practical demonstration of teaching methods, 30818
educational technology, or other teaching practices that are 30819
included in the curriculum of the university's teacher 30820
preparation program approved by the ~~state board of education~~ 30821
chancellor of higher education; 30822

(f) Any qualified tax-exempt entity under section 501(c) 30823
(3) of the Internal Revenue Code as long as all of the following 30824
conditions are satisfied: 30825

(i) The entity has been in operation for at least five 30826
years prior to applying to be a community school sponsor. 30827

(ii) The entity has assets of at least five hundred 30828
thousand dollars and a demonstrated record of financial 30829
responsibility. 30830

(iii) The department has determined that the entity is an 30831
education-oriented entity under division (B) (4) of section 30832
3314.015 of the Revised Code and the entity has a demonstrated 30833
record of successful implementation of educational programs. 30834

(iv) The entity is not a community school. 30835

(g) The mayor of a city in which the majority of the 30836
territory of a school district to which section 3311.60 of the 30837
Revised Code applies is located, regardless of whether that 30838

district has created the position of independent auditor as 30839
prescribed by that section. The mayor's sponsorship authority 30840
under this division is limited to community schools that are 30841
located in that school district. Such mayor may sponsor 30842
community schools only with the approval of the city council of 30843
that city, after establishing standards with which community 30844
schools sponsored by the mayor must comply, and after entering 30845
into a sponsor agreement with the department as prescribed under 30846
section 3314.015 of the Revised Code. The mayor shall establish 30847
the standards for community schools sponsored by the mayor not 30848
later than one hundred eighty days after July 15, 2013, and 30849
shall submit them to the department upon their establishment. 30850
The department shall approve the mayor to sponsor community 30851
schools in the district, upon receipt of an application by the 30852
mayor to do so. Not later than ninety days after the 30853
department's approval of the mayor as a community school 30854
sponsor, the department shall enter into the sponsor agreement 30855
with the mayor. 30856

Any entity described in division (C) (1) of this section 30857
may enter into a preliminary agreement pursuant to division (C) 30858
(2) of this section with the proposing person or group, provided 30859
that entity has been approved by and entered into a written 30860
agreement with the department pursuant to section 3314.015 of 30861
the Revised Code. 30862

(2) A preliminary agreement indicates the intention of an 30863
entity described in division (C) (1) of this section to sponsor 30864
the community school. A proposing person or group that has such 30865
a preliminary agreement may proceed to finalize plans for the 30866
school, establish a governing authority as described in division 30867
(E) of this section for the school, and negotiate a contract 30868
with the entity. Provided the proposing person or group adheres 30869

to the preliminary agreement and all provisions of this chapter, 30870
the entity shall negotiate in good faith to enter into a 30871
contract in accordance with section 3314.03 of the Revised Code. 30872

(3) A new start-up school that is established in a school 30873
district described in either division (A) (3) (b) or (d) of this 30874
section may continue in existence once the school district no 30875
longer meets the conditions described in either division, 30876
provided there is a valid contract between the school and a 30877
sponsor. 30878

(4) A copy of every preliminary agreement entered into 30879
under this division shall be filed with the ~~superintendent of~~ 30880
~~public instruction~~ director of education and workforce. 30881

(D) A majority vote of the board of a sponsoring entity 30882
and a majority vote of the members of the governing authority of 30883
a community school shall be required to adopt a contract and 30884
convert the public school or educational service center building 30885
to a community school or establish the new start-up school. 30886
Beginning September 29, 2005, adoption of the contract shall 30887
occur not later than the fifteenth day of March, and signing of 30888
the contract shall occur not later than the fifteenth day of 30889
May, prior to the school year in which the school will open. The 30890
governing authority shall notify the department of education and 30891
workforce when the contract has been signed. Subject to sections 30892
3314.013 and 3314.016 of the Revised Code, an unlimited number 30893
of community schools may be established in any school district 30894
provided that a contract is entered into for each community 30895
school pursuant to this chapter. 30896

(E) (1) As used in this division, "immediate relatives" are 30897
limited to spouses, children, parents, grandparents, and 30898
siblings, as well as in-laws residing in the same household as 30899

the person serving on the governing authority. 30900

Each new start-up community school established under this 30901
chapter shall be under the direction of a governing authority 30902
which shall consist of a board of not less than five 30903
individuals. 30904

(2) (a) No person shall serve on the governing authority or 30905
operate the community school under contract with the governing 30906
authority under any of the following circumstances: 30907

(i) The person owes the state any money or is in a dispute 30908
over whether the person owes the state any money concerning the 30909
operation of a community school that has closed. 30910

(ii) The person would otherwise be subject to division (B) 30911
of section 3319.31 of the Revised Code with respect to refusal, 30912
limitation, or revocation of a license to teach, if the person 30913
were a licensed educator. 30914

(iii) The person has pleaded guilty to or been convicted 30915
of theft in office under section 2921.41 of the Revised Code, or 30916
has pleaded guilty to or been convicted of a substantially 30917
similar offense in another state. 30918

(b) No person shall serve on the governing authority or 30919
engage in the financial day-to-day management of the community 30920
school under contract with the governing authority unless and 30921
until that person has submitted to a criminal records check in 30922
the manner prescribed by section 3319.39 of the Revised Code. 30923

(c) Each sponsor of a community school shall annually 30924
verify that a finding for recovery has not been issued by the 30925
auditor of state against any individual or individuals who 30926
propose to create a community school or any member of the 30927
governing authority, the operator, or any employee of each 30928

community school with responsibility for fiscal operations or 30929
authorization to expend money on behalf of the school. 30930

(3) No person shall serve on the governing authorities of 30931
more than five start-up community schools at the same time 30932
unless both of the following apply: 30933

(a) The person serves in a volunteer capacity and receives 30934
no compensation under division (E) (5) of this section from any 30935
governing authority on which the person serves. 30936

(b) For any school that has an operator, the operator is a 30937
nonprofit organization. 30938

(4) (a) For a community school established under this 30939
chapter that is not sponsored by a school district or an 30940
educational service center, no present or former member, or 30941
immediate relative of a present or former member, of the 30942
governing authority shall be an owner, employee, or consultant 30943
of the community school's sponsor or operator, unless at least 30944
one year has elapsed since the conclusion of the person's 30945
membership on the governing authority. 30946

(b) For a community school established under this chapter 30947
that is sponsored by a school district or an educational service 30948
center, no present or former member, or immediate relative of a 30949
present or former member, of the governing authority shall: 30950

(i) Be an officer of the district board or service center 30951
governing board that serves as the community school's sponsor, 30952
unless at least one year has elapsed since the conclusion of the 30953
person's membership on the governing authority; 30954

(ii) Serve as an employee of, or a consultant for, the 30955
department, division, or section of the sponsoring district or 30956
service center that is directly responsible for sponsoring 30957

community schools, or have supervisory authority over such a department, division, or section, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

(5) The governing authority of a start-up or conversion community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

(a) The sponsor or operator of that community school;

(b) A school district or educational service center that has contracted with that community school;	30987 30988
(c) A vendor that is or has engaged in business with that community school.	30989 30990
(8) No person who is a member of a school district board of education shall serve on the governing authority of any community school.	30991 30992 30993
(F) (1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date.	30994 30995 30996 30997 30998 30999
(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that was not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed.	31000 31001 31002 31003 31004 31005 31006
(3) Any educational service center that, on June 30, 2007, sponsors a community school that is not located in a county within the territory of the service center or in a county contiguous to such county may continue to sponsor that community school on and after June 30, 2007, and may renew its contract with the school.	31007 31008 31009 31010 31011 31012
(4) On and after the effective date of this amendment, the <u>The department of education and workforce</u> shall not restrict the establishment of a new start-up community school to those	31013 31014 31015

located in a challenged school district as was required by this 31016
section prior to ~~the effective date of this amendment~~September 31017
30, 2021. 31018

Sec. 3314.021. (A) This section applies to any entity that 31019
is exempt from taxation under section 501(c)(3) of the Internal 31020
Revenue Code and that satisfies the conditions specified in 31021
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 31022
Revised Code but does not satisfy the condition specified in 31023
division (C)(1)(f)(i) of that section. 31024

(B) Notwithstanding division (C)(1)(f)(i) of section 31025
3314.02 of the Revised Code, and subject to division (D)(2) of 31026
this section, an entity described in division (A) of this 31027
section may do both of the following without obtaining the 31028
department of ~~education's~~education and workforce's initial 31029
approval of its sponsorship under divisions (A)(2) and (B)(1) of 31030
section 3314.015 of the Revised Code: 31031

(1) Succeed the board of trustees of a state university 31032
located in the pilot project area or that board's designee as 31033
the sponsor of a community school established under this 31034
chapter; 31035

(2) Continue to sponsor that school in conformance with 31036
the terms of the contract between the board of trustees or its 31037
designee and the governing authority of the community school and 31038
renew that contract as provided in division (E) of section 31039
3314.03 of the Revised Code. 31040

(C) The entity that succeeds the board of trustees or the 31041
board's designee as sponsor of a community school under division 31042
(B) of this section also may enter into contracts to sponsor 31043
other community schools regardless of the proposed school's 31044

location, without obtaining the department's initial approval of 31045
its sponsorship of those schools under divisions (A) (2) and (B) 31046
(1) of section 3314.015 of the Revised Code as long as the 31047
contracts conform with and the entity complies with all other 31048
requirements of this chapter. 31049

(D) (1) Regardless of the entity's authority to sponsor 31050
community schools without the initial approval of the 31051
department, the entity is under the continuing oversight of the 31052
department in accordance with rules adopted under section 31053
3314.015 of the Revised Code. 31054

(2) If an entity described in division (A) of this section 31055
receives a rating below "effective" under division (B) of 31056
section 3314.016 of the Revised Code for two or more consecutive 31057
years, that entity shall receive approval from the department ~~of~~ 31058
~~education~~ to sponsor community schools and enter into a written 31059
agreement with the department in accordance with division (B) (1) 31060
of section 3314.015 of the Revised Code prior to entering into 31061
any further preliminary agreements under division (C) (2) of 31062
section 3314.02 of the Revised Code or renewing any existing 31063
contract to sponsor a community school. 31064

(E) (1) As used in division (E) of this section: 31065

(a) "Board of trustees" means a board of trustees of a 31066
state university located in the pilot project area. 31067

(b) "Rating" means a sponsor rating under section 3314.016 31068
of the Revised Code. 31069

(2) Notwithstanding anything to the contrary in division 31070
(B) (7) (b) of section 3314.016 of the Revised Code, for the 31071
purposes of that division, the department shall consider an 31072
entity that succeeded a board of trustees as the sponsor of a 31073

community school in accordance with division (B) (1) of this 31074
section to have received the same rating for the 2016-2017 31075
school year as the board of trustees, provided all of the 31076
following apply: 31077

(a) The department assigned the board of trustees a rating 31078
of either "effective" or "exemplary" for the 2016-2017 school 31079
year. 31080

(b) The department did not assign the entity its own 31081
rating for the 2016-2017 school year. 31082

(c) The department assigned the entity its own rating for 31083
the 2017-2018 school year. 31084

Sec. 3314.023. A sponsor shall provide monitoring, 31085
oversight, and technical assistance to each school that it 31086
sponsors. In order to provide monitoring, oversight, and 31087
technical assistance, a representative of the sponsor of a 31088
community school shall meet with the governing authority or 31089
fiscal officer of the school and shall review the financial and 31090
enrollment records of the school at least once every month. Not 31091
later than ten days after each review, the sponsor shall provide 31092
the governing authority and fiscal officer with a written report 31093
regarding the review. Copies of those financial and enrollment 31094
records shall be furnished to the community school sponsor and 31095
operator, members of the governing authority, and the fiscal 31096
officer designated in section 3314.011 of the Revised Code on a 31097
monthly basis. 31098

If a community school closes or is permanently closed, the 31099
designated fiscal officer shall deliver all financial and 31100
enrollment records to the school's sponsor within thirty days of 31101
the school's closure. If the fiscal officer fails to provide the 31102

records in a timely manner, or fails to faithfully perform any 31103
of the fiscal officer's other duties, the sponsor has the right 31104
of action against the fiscal officer to compel delivery of all 31105
financial and enrollment records of the school and shall, if 31106
necessary, seek recovery of any funds owed as a result of any 31107
finding of recovery by the auditor of state against the fiscal 31108
officer. 31109

For purposes of this chapter, "monitoring, oversight, and 31110
technical assistance" shall include the following: 31111

(A) Monitoring the community school's compliance with all 31112
laws applicable to the school and with the terms of the 31113
contract; 31114

(B) Monitoring and evaluating the academic and fiscal 31115
performance and the organization and operation of the community 31116
school on at least an annual basis. The evaluation of a school's 31117
academic and fiscal performance shall be based on the 31118
performance requirements specified in the contract between the 31119
sponsor and the governing authority under section 3314.03 of the 31120
Revised Code, the state report cards issued for the school under 31121
section 3302.03 or 3314.017 of the Revised Code, and any other 31122
analysis conducted by the department of education and workforce. 31123

(C) Reporting on an annual basis the results of the 31124
evaluation conducted under division (D) (2) of section 3314.03 of 31125
the Revised Code to the department of education and workforce 31126
and to the parents of students enrolled in the community school; 31127

(D) Providing technical assistance to the community school 31128
in complying with laws applicable to the school and terms of the 31129
contract; 31130

(E) Taking steps to intervene in the school's operation to 31131

correct problems in the school's overall performance, declaring 31132
the school to be on probationary status pursuant to section 31133
3314.073 of the Revised Code, suspending the operation of the 31134
school pursuant to section 3314.072 of the Revised Code, or 31135
terminating the contract of the school pursuant to section 31136
3314.07 of the Revised Code as determined necessary by the 31137
sponsor; 31138

(F) Having in place a plan of action to be undertaken in 31139
the event the community school experiences financial 31140
difficulties or closes prior to the end of a school year. 31141

(G) Other activities designed to specifically benefit the 31142
community school the entity sponsors. 31143

Sec. 3314.025. (A) Beginning with the 2016-2017 school 31144
year, each sponsor of a community school shall submit, not later 31145
than the fifteenth day of August of each year, a report to the 31146
department of education and workforce, using the format and 31147
manner prescribed by the department as set forth in division (B) 31148
of this section, describing the amount and type of expenditures 31149
made to provide monitoring, oversight, and technical assistance 31150
to the community schools it sponsors. The report shall also be 31151
submitted to the governing authority of the community school. 31152

(B) Not later than ninety days after the effective date of 31153
this section, the department shall establish requirements and a 31154
reporting procedure to aid each sponsor in complying with 31155
division (A) of this section. The department shall require that 31156
each report include at least the following types of expenditures 31157
made to provide oversight, monitoring, and technical assistance 31158
to the community school it sponsors: 31159

(1) Employee salaries, wages, benefits, and other 31160

compensation;	31161
(2) All purchased or contracted services;	31162
(3) Materials and supplies;	31163
(4) Equipment, furniture, and fixtures;	31164
(5) Facilities;	31165
(6) Other expenditures.	31166
(C) The report submitted under this section shall be a	31167
factor when evaluating a sponsor's compliance with applicable	31168
law and administrative rules as prescribed under division (B) (1)	31169
(c) of section 3314.016 of the Revised Code. The report also may	31170
be used as a factor when evaluating a sponsor's adherence to	31171
quality practices as prescribed under division (B) (1) (b) of that	31172
section.	31173
Sec. 3314.027. Notwithstanding the requirement for initial	31174
approval of sponsorship by the department of education <u>and</u>	31175
<u>workforce</u> prescribed in divisions (A) (2) and (B) (1) of section	31176
3314.015 of the Revised Code and any geographical restriction or	31177
mission requirement prescribed in division (C) (1) of section	31178
3314.02 of the Revised Code, an entity that has entered into a	31179
contract to sponsor a community school on April 8, 2003, may	31180
continue to sponsor the school in conformance with the terms of	31181
that contract and also may enter into new contracts to sponsor	31182
community schools after April 8, 2003, as long as the contracts	31183
conform to and the entity complies with all other provisions of	31184
this chapter.	31185
Regardless of the entity's authority to sponsor community	31186
schools without the initial approval of the department, each	31187
entity described in this section is under the continuing	31188

oversight of the department in accordance with rules adopted 31189
under section 3314.015 of the Revised Code. 31190

If an entity to which this section applies receives a 31191
rating below "effective" under division (B) of section 3314.016 31192
of the Revised Code for two or more consecutive years, that 31193
entity shall receive approval from the department of education_ 31194
and workforce to sponsor community schools and enter into a 31195
written agreement with the department in accordance with 31196
division (B)(1) of section 3314.015 of the Revised Code prior to 31197
entering into any further preliminary agreements under division 31198
(C)(2) of section 3314.02 of the Revised Code or renewing any 31199
existing contract to sponsor a community school. 31200

Sec. 3314.029. This section establishes the Ohio school 31201
sponsorship program. The department of education and workforce 31202
shall establish an office of Ohio school sponsorship to perform 31203
the department's duties prescribed by this section. 31204

(A)(1) Notwithstanding anything to the contrary in this 31205
chapter, any person, group of individuals, or entity may apply 31206
to the department for direct authorization to establish a 31207
community school and, upon approval of the application, may 31208
establish the school. Notwithstanding anything to the contrary 31209
in this chapter, the governing authority of an existing 31210
community school, upon the expiration or termination of its 31211
contract with the school's sponsor entered into under section 31212
3314.03 of the Revised Code, may apply to the department for 31213
direct authorization to continue operating the school and, upon 31214
approval of the application, may continue to operate the school. 31215
The department may establish a format and deadlines for an 31216
application. 31217

Each application submitted to the department shall include 31218

the following: 31219

(a) Evidence that the applicant will be able to comply 31220
with division (C) of this section; 31221

(b) A statement indicating that the applicant agrees to 31222
comply with all applicable provisions of this chapter, including 31223
the requirement to be established as a nonprofit corporation or 31224
public benefit corporation in accordance with division (A) (1) of 31225
section 3314.03 of the Revised Code; 31226

(c) A statement attesting that no unresolved finding of 31227
recovery has been issued by the auditor of state against any 31228
person, group of individuals, or entity that is a party to the 31229
application and that no person who is party to the application 31230
has been a member of the governing authority of any community 31231
school that has permanently closed and against which an 31232
unresolved finding of recovery has been issued by the auditor of 31233
state. In the case of an application submitted by the governing 31234
authority of an existing community school, a person who is party 31235
to the application shall include each individual member of that 31236
governing authority. 31237

(d) A statement that the school will be nonsectarian in 31238
its programs, admission policies, employment practices, and all 31239
other operations, and will not be operated by a sectarian school 31240
or religious institution; 31241

(e) A statement of whether the school is to be created by 31242
converting all or part of an existing public school or 31243
educational service center building or is to be a new start-up 31244
school. If it is a converted public school or service center 31245
building, the statement shall include a specification of any 31246
duties or responsibilities of an employer that the board of 31247

education or service center governing board that operated the 31248
school or building before conversion is delegating to the 31249
governing authority of the community school with respect to all 31250
or any specified group of employees, provided the delegation is 31251
not prohibited by a collective bargaining agreement applicable 31252
to such employees. 31253

(f) A statement that the school's teachers will be 31254
licensed in the manner prescribed by division (A)(10) of section 31255
3314.03 of the Revised Code; 31256

(g) A statement that the school will comply with all of 31257
the provisions of law enumerated in divisions (A)(11)(d) and (e) 31258
of section 3314.03 of the Revised Code and of division (A)(11) 31259
(h) of that section, if applicable; 31260

(h) A statement that the school's graduation and 31261
curriculum requirements will comply with division (A)(11)(f) of 31262
section 3314.03 of the Revised Code; 31263

(i) A description of each of the following: 31264

(i) The school's mission and educational program, the 31265
characteristics of the students the school is expected to 31266
attract, the ages and grade levels of students, and the focus of 31267
the curriculum; 31268

(ii) The school's governing authority, which shall be in 31269
compliance with division (E) of section 3314.02 of the Revised 31270
Code; 31271

(iii) The school's admission and dismissal policies, which 31272
shall be in compliance with divisions (A)(5) and (6) of section 31273
3314.03 of the Revised Code; 31274

(iv) The school's business plan, including a five-year 31275

financial forecast;	31276
(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;	31277 31278 31279
(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	31280 31281 31282 31283
(vii) The facilities to be used by the school and their locations;	31284 31285
(viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code.	31286 31287 31288 31289 31290 31291
(2) Subject to division (A) (3) of this section, the department may approve or deny an application, taking into consideration the standards for quality authorizing, capacity requirements, financial constraints, or any other criteria it determines necessary and appropriate. The department shall adopt the criteria not later than sixty days after the effective date of this amendment. The department shall assign each applicant school a rating established for a new start-up community school or an existing community school, as applicable.	31292 31293 31294 31295 31296 31297 31298 31299 31300
The department of education shall annually publish on its web site the criteria it uses to approve or deny an application submitted pursuant to this section.	31301 31302 31303
(3) For each of five school years, beginning with the	31304

school year that begins in the calendar year in which this 31305
section takes effect, the department may approve up to twenty 31306
applications for community schools to be established or to 31307
continue operation under division (A) of this section; however, 31308
of the twenty applications that may be approved each school 31309
year, only up to five may be for the establishment of new 31310
schools. 31311

(4) Notwithstanding division (A) (2) of this section, the 31312
department may deny an application submitted by the governing 31313
authority of an existing community school, if a previous sponsor 31314
of that school did not renew its contract or terminated its 31315
contract with the school entered into under section 3314.03 of 31316
the Revised Code. 31317

(5) In the case of a proposed new community school to be 31318
located in an alliance municipal school district, the department 31319
shall not approve the application of that community school 31320
unless both of the following apply: 31321

(a) The department approves the application using the 31322
requirements of divisions (A) (1) (a) to (h) of this section and 31323
the criteria developed under division (A) (2) of this section. 31324

(b) The department has determined that the applicant has 31325
requested and received a recommendation from the alliance in the 31326
manner prescribed by divisions (E) (1) and (2) of section 3311.86 31327
of the Revised Code. 31328

As used in this section, "alliance municipal school 31329
district" and "alliance" have the same meanings as in section 31330
3311.86 of the Revised Code. 31331

(B) The department and the governing authority of each 31332
community school authorized under this section shall enter into 31333

a contract under section 3314.03 of the Revised Code. 31334
Notwithstanding division (A) (13) of that section, the contract 31335
with an existing community school may begin at any time during 31336
the academic year. The length of the initial contract of any 31337
community school under this section may be for any term up to 31338
five years. The contract may be renewed in accordance with 31339
division (E) of that section. The contract may provide for the 31340
school's governing authority to pay a fee for oversight and 31341
monitoring of the school that does not exceed three per cent of 31342
the total amount of payments for operating expenses that the 31343
school receives from the state. 31344

(C) The department may require a community school 31345
authorized under this section to post and file with the 31346
~~superintendent of public instruction~~ director of education and 31347
workforce a bond payable to the state or to file with the ~~state~~ 31348
~~superintendent~~ director a guarantee, which shall be used to pay 31349
the state any moneys owed by the community school in the event 31350
the school closes. 31351

(D) Except as otherwise provided in this section, a 31352
community school authorized under this section shall comply with 31353
all applicable provisions of this chapter. The department may 31354
take any action that a sponsor may take under this chapter to 31355
enforce the school's compliance with this division and the terms 31356
of the contract entered into under division (B) of this section. 31357

(E) Not later than December 31, 2012, and annually 31358
thereafter, the department shall issue a report on the program, 31359
including information about the number of community schools 31360
participating in the program and their compliance with the 31361
provisions of this chapter. In its fifth report, the department 31362
shall include a complete evaluation of the program and 31363

recommendations regarding the program's continuation. Each 31364
report shall be provided to the general assembly, in accordance 31365
with section 101.68 of the Revised Code, and to the governor. 31366

Sec. 3314.0211. (A) No community school to which either of 31367
the following applies shall be eligible to merge with one or 31368
more other community schools under this section: 31369

(1) The school has met the performance criteria for 31370
required closure specified in division (A) of section 3314.35 or 31371
division (A) of section 3314.351 of the Revised Code for at 31372
least one of the two most recent school years. 31373

(2) The school has been notified of the sponsor's intent 31374
to terminate or not renew the school's contract pursuant to 31375
section 3314.07 of the Revised Code. 31376

(B) Two or more community schools may merge upon the 31377
adoption of a resolution by the governing authority of each 31378
school involved in the merger. Any merger shall take effect on 31379
the first day of July of the year specified in the resolution. 31380

(C) Not less than sixty days prior to the effective date 31381
of a merger under division (B) of this section, each community 31382
school involved in the merger shall do both of the following: 31383

(1) Provide a copy of the resolution to the school's 31384
sponsor; 31385

(2) Notify the department of education and workforce of 31386
all of the following: 31387

(a) The impending merger; 31388

(b) The effective date of the merger; 31389

(c) The school that will be designated as the surviving 31390

school in accordance with section 1702.41 of the Revised Code;	31391
(d) The entity that will sponsor the surviving school.	31392
(D) Notwithstanding anything to the contrary in the Revised Code, the governing authority of the surviving community school shall enter into a new contract with the school's sponsor under section 3314.03 of the Revised Code.	31393 31394 31395 31396
(E) No sponsor shall do either of the following:	31397
(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school;	31398 31399 31400
(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section.	31401 31402 31403
Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code.	31404 31405 31406
(F) (1) The department shall issue a report card under section 3302.03 or 3314.017 of the Revised Code for the surviving community school.	31407 31408 31409
(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures.	31410 31411 31412 31413 31414 31415
(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code.	31416 31417 31418

Sec. 3314.03. A copy of every contract entered into under 31419
this section shall be filed with the ~~superintendent~~ director of- 31420
~~public instruction~~ education and workforce. The department of 31421
education and workforce shall make available on its web site a 31422
copy of every approved, executed contract filed with the 31423
~~superintendent~~ director under this section. 31424

(A) Each contract entered into between a sponsor and the 31425
governing authority of a community school shall specify the 31426
following: 31427

(1) That the school shall be established as either of the 31428
following: 31429

(a) A nonprofit corporation established under Chapter 31430
1702. of the Revised Code, if established prior to April 8, 31431
2003; 31432

(b) A public benefit corporation established under Chapter 31433
1702. of the Revised Code, if established after April 8, 2003. 31434

(2) The education program of the school, including the 31435
school's mission, the characteristics of the students the school 31436
is expected to attract, the ages and grades of students, and the 31437
focus of the curriculum; 31438

(3) The academic goals to be achieved and the method of 31439
measurement that will be used to determine progress toward those 31440
goals, which shall include the statewide achievement 31441
assessments; 31442

(4) Performance standards, including but not limited to 31443
all applicable report card measures set forth in section 3302.03 31444
or 3314.017 of the Revised Code, by which the success of the 31445
school will be evaluated by the sponsor; 31446

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	31447 31448 31449
(6) (a) Dismissal procedures;	31450
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	31451 31452 31453 31454 31455 31456
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	31457 31458
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	31459 31460 31461 31462 31463 31464
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	31465 31466
(a) A detailed description of each facility used for instructional purposes;	31467 31468
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	31469 31470
(c) The annual mortgage principal and interest payments that are paid by the school;	31471 31472
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the	31473 31474

operator, if any. 31475

(10) Qualifications of teachers, including a requirement 31476
that the school's classroom teachers be licensed in accordance 31477
with sections 3319.22 to 3319.31 of the Revised Code, except 31478
that a community school may engage noncertificated persons to 31479
teach up to twelve hours or forty hours per week pursuant to 31480
section 3319.301 of the Revised Code. 31481

(11) That the school will comply with the following 31482
requirements: 31483

(a) The school will provide learning opportunities to a 31484
minimum of twenty-five students for a minimum of nine hundred 31485
twenty hours per school year. 31486

(b) The governing authority will purchase liability 31487
insurance, or otherwise provide for the potential liability of 31488
the school. 31489

(c) The school will be nonsectarian in its programs, 31490
admission policies, employment practices, and all other 31491
operations, and will not be operated by a sectarian school or 31492
religious institution. 31493

(d) The school will comply with sections 9.90, 9.91, 31494
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 31495
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 31496
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 31497
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 31498
3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 31499
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 31500
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 31501
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 31502
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 31503

3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 31504
3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 31505
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 31506
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 31507
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 31508
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 31509
and 4167. of the Revised Code as if it were a school district 31510
and will comply with section 3301.0714 of the Revised Code in 31511
the manner specified in section 3314.17 of the Revised Code. 31512

(e) The school shall comply with Chapter 102. and section 31513
2921.42 of the Revised Code. 31514

(f) The school will comply with sections 3313.61, 31515
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 31516
Revised Code, except that for students who enter ninth grade for 31517
the first time before July 1, 2010, the requirement in sections 31518
3313.61 and 3313.611 of the Revised Code that a person must 31519
successfully complete the curriculum in any high school prior to 31520
receiving a high school diploma may be met by completing the 31521
curriculum adopted by the governing authority of the community 31522
school rather than the curriculum specified in Title XXXIII of 31523
the Revised Code or any rules of the ~~state board of education~~ 31524
department. Beginning with students who enter ninth grade for 31525
the first time on or after July 1, 2010, the requirement in 31526
sections 3313.61 and 3313.611 of the Revised Code that a person 31527
must successfully complete the curriculum of a high school prior 31528
to receiving a high school diploma shall be met by completing 31529
the requirements prescribed in section 3313.6027 and division 31530
(C) of section 3313.603 of the Revised Code, unless the person 31531
qualifies under division (D) or (F) of that section. Each school 31532
shall comply with the plan for awarding high school credit based 31533
on demonstration of subject area competency, and beginning with 31534

the 2017-2018 school year, with the updated plan that permits 31535
students enrolled in seventh and eighth grade to meet curriculum 31536
requirements based on subject area competency adopted by the 31537
~~state board of education department~~ under divisions (J) (1) and 31538
(2) of section 3313.603 of the Revised Code. Beginning with the 31539
2018-2019 school year, the school shall comply with the 31540
framework for granting units of high school credit to students 31541
who demonstrate subject area competency through work-based 31542
learning experiences, internships, or cooperative education 31543
developed by the department under division (J) (3) of section 31544
3313.603 of the Revised Code. 31545

(g) The school governing authority will submit within four 31546
months after the end of each school year a report of its 31547
activities and progress in meeting the goals and standards of 31548
divisions (A) (3) and (4) of this section and its financial 31549
status to the sponsor and the parents of all students enrolled 31550
in the school. 31551

(h) The school, unless it is an internet- or computer- 31552
based community school, will comply with section 3313.801 of the 31553
Revised Code as if it were a school district. 31554

(i) If the school is the recipient of moneys from a grant 31555
awarded under the federal race to the top program, Division (A), 31556
Title XIV, Sections 14005 and 14006 of the "American Recovery 31557
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 31558
the school will pay teachers based upon performance in 31559
accordance with section 3317.141 and will comply with section 31560
3319.111 of the Revised Code as if it were a school district. 31561

(j) If the school operates a preschool program that is 31562
licensed by the department ~~of education~~ under sections 3301.52 31563
to 3301.59 of the Revised Code, the school shall comply with 31564

sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the ~~state board~~ department under section 3301.53 of the Revised Code.

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:

(i) An internet- or computer-based community school;

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.

(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is

terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department ~~of education~~ to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department ~~of education~~ as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;

(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. ~~However, the sponsor~~

~~shall not be required to take any action described in division
(F) of section 3302.04 of the Revised Code.~~ 31651
31652

(25) Beginning in the 2006-2007 school year, the school 31653
will open for operation not later than the thirtieth day of 31654
September each school year, unless the mission of the school as 31655
specified under division (A) (2) of this section is solely to 31656
serve dropouts. In its initial year of operation, if the school 31657
fails to open by the thirtieth day of September, or within one 31658
year after the adoption of the contract pursuant to division (D) 31659
of section 3314.02 of the Revised Code if the mission of the 31660
school is solely to serve dropouts, the contract shall be void. 31661

(26) Whether the school's governing authority is planning 31662
to seek designation for the school as a STEM school equivalent 31663
under section 3326.032 of the Revised Code; 31664

(27) That the school's attendance and participation 31665
policies will be available for public inspection; 31666

(28) That the school's attendance and participation 31667
records shall be made available to the department of education, 31668
auditor of state, and school's sponsor to the extent permitted 31669
under and in accordance with the "Family Educational Rights and 31670
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 31671
and any regulations promulgated under that act, and section 31672
3319.321 of the Revised Code; 31673

(29) If a school operates using the blended learning 31674
model, as defined in section 3301.079 of the Revised Code, all 31675
of the following information: 31676

(a) An indication of what blended learning model or models 31677
will be used; 31678

(b) A description of how student instructional needs will 31679

be determined and documented;	31680
(c) The method to be used for determining competency,	31681
granting credit, and promoting students to a higher grade level;	31682
(d) The school's attendance requirements, including how	31683
the school will document participation in learning	31684
opportunities;	31685
(e) A statement describing how student progress will be	31686
monitored;	31687
(f) A statement describing how private student data will	31688
be protected;	31689
(g) A description of the professional development	31690
activities that will be offered to teachers.	31691
(30) A provision requiring that all moneys the school's	31692
operator loans to the school, including facilities loans or cash	31693
flow assistance, must be accounted for, documented, and bear	31694
interest at a fair market rate;	31695
(31) A provision requiring that, if the governing	31696
authority contracts with an attorney, accountant, or entity	31697
specializing in audits, the attorney, accountant, or entity	31698
shall be independent from the operator with which the school has	31699
contracted.	31700
(32) A provision requiring the governing authority to	31701
adopt an enrollment and attendance policy that requires a	31702
student's parent to notify the community school in which the	31703
student is enrolled when there is a change in the location of	31704
the parent's or student's primary residence.	31705
(33) A provision requiring the governing authority to	31706
adopt a student residence and address verification policy for	31707

students enrolling in or attending the school. 31708

(B) The community school shall also submit to the sponsor 31709
a comprehensive plan for the school. The plan shall specify the 31710
following: 31711

(1) The process by which the governing authority of the 31712
school will be selected in the future; 31713

(2) The management and administration of the school; 31714

(3) If the community school is a currently existing public 31715
school or educational service center building, alternative 31716
arrangements for current public school students who choose not 31717
to attend the converted school and for teachers who choose not 31718
to teach in the school or building after conversion; 31719

(4) The instructional program and educational philosophy 31720
of the school; 31721

(5) Internal financial controls. 31722

When submitting the plan under this division, the school 31723
shall also submit copies of all policies and procedures 31724
regarding internal financial controls adopted by the governing 31725
authority of the school. 31726

(C) A contract entered into under section 3314.02 of the 31727
Revised Code between a sponsor and the governing authority of a 31728
community school may provide for the community school governing 31729
authority to make payments to the sponsor, which is hereby 31730
authorized to receive such payments as set forth in the contract 31731
between the governing authority and the sponsor. The total 31732
amount of such payments for monitoring, oversight, and technical 31733
assistance of the school shall not exceed three per cent of the 31734
total amount of payments for operating expenses that the school 31735

receives from the state. 31736

(D) The contract shall specify the duties of the sponsor 31737
which shall be in accordance with the written agreement entered 31738
into with the department ~~of education~~ under division (B) of 31739
section 3314.015 of the Revised Code and shall include the 31740
following: 31741

(1) Monitor the community school's compliance with all 31742
laws applicable to the school and with the terms of the 31743
contract; 31744

(2) Monitor and evaluate the academic and fiscal 31745
performance and the organization and operation of the community 31746
school on at least an annual basis; 31747

(3) Report on an annual basis the results of the 31748
evaluation conducted under division (D)(2) of this section to 31749
the department ~~of education~~ and to the parents of students 31750
enrolled in the community school; 31751

(4) Provide technical assistance to the community school 31752
in complying with laws applicable to the school and terms of the 31753
contract; 31754

(5) Take steps to intervene in the school's operation to 31755
correct problems in the school's overall performance, declare 31756
the school to be on probationary status pursuant to section 31757
3314.073 of the Revised Code, suspend the operation of the 31758
school pursuant to section 3314.072 of the Revised Code, or 31759
terminate the contract of the school pursuant to section 3314.07 31760
of the Revised Code as determined necessary by the sponsor; 31761

(6) Have in place a plan of action to be undertaken in the 31762
event the community school experiences financial difficulties or 31763
closes prior to the end of a school year. 31764

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec. 3314.032. (A) On and after the effective date of this section, any new or renewed contract between the governing authority of a community school and an operator shall include at least the following:

(1) Criteria to be used for early termination of the operator contract;

(2) Required notification procedures and timeline for early termination or nonrenewal of the operator contract;

(3) A stipulation of which entity owns all community

school facilities and property including, but not limited to, 31794
equipment, furniture, fixtures, instructional materials and 31795
supplies, computers, printers, and other digital devices 31796
purchased by the governing authority or operator. Any 31797
stipulation regarding property ownership shall comply with the 31798
requirements of section 3314.0210 of the Revised Code. 31799

(B) (1) The operator with which the governing authority of 31800
a community school contracts for services shall not lease any 31801
parcel of real property to that community school until an 31802
independent professional in the real estate field verifies via 31803
addendum that at the time the lease was agreed to, the lease was 31804
commercially reasonable. 31805

(2) The independent professional described in division (B) 31806
(1) of this section shall be immune from civil liability for any 31807
decision rendered pursuant to this section. 31808

(C) Beginning with the 2016-2017 school year, the 31809
governing authority of a community school, with the assistance 31810
of the school's designated fiscal officer, shall adopt an annual 31811
budget by the thirty-first day of October of each year. 31812

~~Not later than ninety days after the effective date of~~ 31813
~~this section, the~~ The department of education and workforce 31814
shall develop a format for annual budgets of community schools. 31815
The format shall prescribe inclusion of the following 31816
information in a school's budget: 31817

(1) Administrative costs for the community school as a 31818
whole; 31819

(2) Instructional services costs for each category of 31820
service provided directly to students, compiled and reported in 31821
terms of average expenditure per pupil receiving the service; 31822

(3) The cost of instructional support services, such as 31823
services provided by a speech-language pathologist, classroom 31824
aide, multimedia aide, or librarian, provided directly to 31825
students; 31826

(4) The cost of administrative support services, such as 31827
the cost of personnel that develop the curriculum and the cost 31828
of personnel supervising or coordinating the delivery of the 31829
instructional services; 31830

(5) The cost of support or extracurricular services costs 31831
for services directly provided to students; 31832

(6) The cost of services provided directly to students by 31833
a nonlicensed employee related to support or extracurricular 31834
services, such as janitorial services, cafeteria services, or 31835
services of a sports trainer; 31836

(7) The cost of administrative services related to support 31837
or extracurricular services, such as the cost of any licensed or 31838
unlicensed employees that develop, supervise, coordinate, or 31839
otherwise are involved in administrating or aiding the delivery 31840
of services. 31841

(D) The governing authority of a community school shall be 31842
the sole entity responsible for the adoption of the school's 31843
annual budget, but the governing authority shall adopt such 31844
budget with the assistance of the school's designated fiscal 31845
officer. 31846

Sec. 3314.034. (A) Subject to division (B) of this 31847
section, any community school to which either of the following 31848
conditions apply shall be prohibited from entering into a 31849
contract with a new sponsor: 31850

(1) The community school has received, on the most recent 31851

report card issued for that school under section 3302.03 of the Revised Code, either of the following:

(a) A grade of "D" or "F" for the performance index score, under division (C)(1)(b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the ~~state board~~ department of education and workforce, under division (C)(1)(e) of that section;

(b) A performance rating of less than three stars for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and a performance rating of less than three stars for progress under division (D)(3)(c) of that section.

(2) The community school is one in which a majority of the students are enrolled in a dropout prevention and recovery program, and it has received a rating of "does not meet standards" for the annual student growth measure and combined graduation rates on the most recent report card issued for the school under section 3314.017 of the Revised Code.

(B) A community school to which division (A) of this section applies may enter into a contract with a new sponsor if all of the following conditions are satisfied:

(1) The proposed sponsor received a rating of "effective" or higher pursuant to division (B)(6) of section 3314.016 of the Revised Code on its most recent evaluation conducted according to that section, or the proposed sponsor is the office of Ohio school sponsorship established in section 3314.029 of the Revised Code.

(2) The community school submits a request to enter into a new contract with a sponsor.

- (3) The community school has not submitted a prior request that was granted. 31881
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- (4) The department grants the school's request pursuant to division (C) of this section. 31883
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- (C) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the ~~state board of education, which~~ director of education and workforce who shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community school shall file its notice of appeal to the ~~state board~~ director not later than ten days after receiving the decision from the department. The ~~state board~~ director shall conduct the hearing not later than thirty days after receiving the school's notice of appeal and act upon the determination of the hearing officer not later than the twenty-fifth day of June of the year in which the school wishes to change sponsors. 31885
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- (D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following: 31901
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- (1) The school's impact on the students and the community or communities it serves; 31904
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- (2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve; 31906
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31908
- (3) The sponsor's annual evaluations of the community 31909

school under division (D) (2) of section 3314.03 of the Revised Code for the previous three years;	31910 31911
(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;	31912 31913 31914
(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;	31915 31916 31917
(6) The fiscal stability of the school;	31918
(7) The results of any audits of the school by the auditor of state;	31919 31920
(8) The length of time the school has been under the oversight of its current sponsor;	31921 31922
(9) The number of times the school has changed sponsors prior to the current request;	31923 31924
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	31925 31926
Sec. 3314.035. Each community school shall post on the school's web site the name of each member of the school's governing authority. Each community school also shall provide, upon request, the name and address of each member of the governing authority to the sponsor of the school and the department of education <u>and workforce</u> .	31927 31928 31929 31930 31931 31932
Sec. 3314.038. Each community school shall annually submit to the department of education <u>and workforce</u> and auditor of state a report of each instance under which a student who is enrolled in that community school resides in a children's residential center as defined under section 5103.05 of the	31933 31934 31935 31936 31937

Revised Code.	31938
Sec. 3314.039. The department of education <u>and workforce</u>	31939
shall compile and publish the following information, for each	31940
year since the 2010-2011 school year, in a simple, easily	31941
accessible location on its web site:	31942
(A) A single document identifying each community school	31943
that has closed during each year and the reason for the closure	31944
of each school;	31945
(B) A single document for each entity that submitted an	31946
application to sponsor schools that contains the following,	31947
where applicable:	31948
(1) The entity's application and most recent evaluation;	31949
(2) A designation of whether the entity's application was	31950
approved or denied;	31951
(3) All documentation used in determining whether to	31952
approve or deny the entity's application;	31953
(4) A short statement describing the rationale used in	31954
approving or denying the entity's application.	31955
(C) A single document containing the following	31956
information:	31957
(1) A list of all sponsor ratings for each school year for	31958
which ratings are available;	31959
(2) A list of each sponsor that is prohibited, as of the	31960
thirty-first day of December of each school year, from	31961
sponsoring new schools;	31962
(3) A list of each sponsor that sponsors or has sponsored	31963
a school that is or was subject to closure, and the reason for	31964

that closure. 31965

(D) The department shall update the document required 31966
pursuant to division (A) of this section on an annual basis. 31967

Sec. 3314.041. The governing authority of each community 31968
school and any operator of such school shall distribute to 31969
parents of students of the school upon their enrollment in the 31970
school the following statement in writing: 31971

"The _____ (here fill in name of the school) 31972
school is a community school established under Chapter 3314. of 31973
the Revised Code. The school is a public school and students 31974
enrolled in and attending the school are required to take 31975
proficiency tests and other examinations prescribed by law. In 31976
addition, there may be other requirements for students at the 31977
school that are prescribed by law. Students who have been 31978
excused from the compulsory attendance law for the purpose of 31979
home education as defined by the Administrative Code shall no 31980
longer be excused for that purpose upon their enrollment in a 31981
community school. For more information about this matter contact 31982
the school administration or the Ohio Department of Education_ 31983
and Workforce." 31984

Sec. 3314.05. (A) The contract between the community 31985
school and the sponsor shall specify the facilities to be used 31986
for the community school and the method of acquisition. Except 31987
as provided in divisions (B) (3) and (4) of this section, no 31988
community school shall be established in more than one school 31989
district under the same contract. 31990

(B) Division (B) of this section shall not apply to 31991
internet- or computer-based community schools. 31992

(1) A community school may be located in multiple 31993

facilities under the same contract only if the limitations on 31994
availability of space prohibit serving all the grade levels 31995
specified in the contract in a single facility or division (B) 31996
(2), (3), or (4) of this section applies to the school. The 31997
school shall not offer the same grade level classrooms in more 31998
than one facility. 31999

(2) A community school may be located in multiple 32000
facilities under the same contract and, notwithstanding division 32001
(B) (1) of this section, may assign students in the same grade 32002
level to multiple facilities, as long as all of the following 32003
apply: 32004

(a) The governing authority has entered into and maintains 32005
a contract with an operator of the type described in division 32006
(A) (8) (b) of section 3314.02 of the Revised Code. 32007

(b) The contract with that operator qualified the school 32008
to be established pursuant to division (A) of former section 32009
3314.016 of the Revised Code. 32010

(c) The school's rating under section 3302.03 of the 32011
Revised Code does not fall below a combination of any of the 32012
following for two or more consecutive years: 32013

(i) A rating of "in need of continuous improvement" under 32014
section 3302.03 of the Revised Code, as that section existed 32015
prior to March 22, 2013; 32016

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 32017
2016 school years, a rating of "C" for both the performance 32018
index score under division (A) (1) (b) or (B) (1) (b) and the value- 32019
added dimension under division (A) (1) (e) or (B) (1) (e) of section 32020
3302.03 of the Revised Code; or if the building serves only 32021
grades ten through twelve, the building received a grade of "C" 32022

for the performance index score under division (A) (1) (b) or (B) 32023
(1) (b) of section 3302.03 of the Revised Code; 32024

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 32025
2020-2021 school years, an overall grade of "C" under division 32026
(C) (3) of section 3302.03 of the Revised Code or an overall 32027
performance designation of "meets standards" under division (E) 32028
(3) (e) of section 3314.017 of the Revised Code; 32029

(iv) For the 2021-2022 school year and any school year 32030
thereafter, an overall performance rating of three stars under 32031
division (D) (3) of section 3302.03 of the Revised Code or an 32032
overall performance designation of "meets standards" under 32033
division (E) (3) (e) of section 3314.017 of the Revised Code. 32034

(3) On and after September 30, 2021, a new start-up 32035
community school may be established in two school districts 32036
under the same contract regardless of the proposed location of 32037
either district if both of the following apply: 32038

(a) The school operates not more than one facility in each 32039
school district and, in accordance with division (B) (1) of this 32040
section, the school does not offer the same grade level 32041
classrooms in both facilities; and 32042

(b) Transportation between the two facilities does not 32043
require more than thirty minutes of direct travel time as 32044
measured by school bus. 32045

(4) A community school may be located in multiple 32046
facilities under the same contract and, notwithstanding division 32047
(B) (1) of this section, may assign students in the same grade 32048
level to multiple facilities, as long as both of the following 32049
apply: 32050

(a) The facilities are all located in the same county or 32051

in any county adjacent to the county in which the community school's primary facility is located. 32052
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(b) Either of the following conditions are satisfied: 32054

(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; 32055
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(ii) The community school is managed by an operator. 32061

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. 32062
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(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings. 32071
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(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 32074
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and the school. 32081

(D) Two or more separate community schools may be located 32082
in the same facility. 32083

(E) In the case of a community school that is located in 32084
multiple facilities, beginning July 1, 2012, the department 32085
shall assign a unique identification number to the school and to 32086
each facility maintained by the school. Each number shall be 32087
used for identification purposes only. Nothing in this division 32088
shall be construed to require the department to calculate the 32089
amount of funds paid under this chapter, or to compute any data 32090
required for the report cards issued under section 3314.012 of 32091
the Revised Code, for each facility separately. The department 32092
shall make all such calculations or computations for the school 32093
as a whole. 32094

(F) (1) In the case of a community school that exists prior 32095
to September 30, 2021, to which division (B) (3) of this section 32096
applies, if only one of the school districts in which the school 32097
is established was located in a challenged school district prior 32098
to September 30, 2021, that district continues to be considered 32099
the school's primary location and the district in which the 32100
school is located for the purposes of division (A) (19) of 32101
section 3314.03 and divisions (C) and (H) of section 3314.06 of 32102
the Revised Code and for all other purposes of this chapter 32103
unless and until the school's governing authority designates a 32104
different school district as the school's primary location in 32105
accordance with division (F) (2) of this section. If both of the 32106
school districts in which the school is established were 32107
challenged school districts on that date, and the primary 32108
location was already designated by the school's governing 32109
authority pursuant to the requirements of this section as it 32110

existed prior to ~~the~~ September 30, 2021, that designation 32111
remains unless and until the school's governing authority 32112
designates a different primary location. 32113

(2) (a) On and after September 30, 2021, when a new start- 32114
up community school is established in two school districts under 32115
the same contract, the school's governing authority shall 32116
designate one of those districts to be considered the school's 32117
primary location and the district in which the school is located 32118
for the purposes of division (A) (19) of section 3314.03 and 32119
divisions (C) and (H) of section 3314.06 of the Revised Code and 32120
for all other purposes of this chapter and shall notify the 32121
department of education and workforce of that designation. 32122

(b) A community school governing authority that elects to 32123
modify a community school's primary location, whether in 32124
accordance with division (F) (1) of this section or otherwise, 32125
shall notify the department of that modification. 32126

Sec. 3314.06. The governing authority of each community 32127
school established under this chapter shall adopt admission 32128
procedures that specify the following: 32129

(A) That, except as otherwise provided in this section, 32130
admission to the school shall be open to any individual age five 32131
to twenty-two entitled to attend school pursuant to section 32132
3313.64 or 3313.65 of the Revised Code in a school district in 32133
the state. 32134

Additionally, except as otherwise provided in this 32135
section, admission to the school may be open on a tuition basis 32136
to any individual age five to twenty-two who is not a resident 32137
of this state. The school shall not receive state funds under 32138
section 3317.022 of the Revised Code for any student who is not 32139

a resident of this state. 32140

An individual younger than five years of age may be 32141
admitted to the school in accordance with division (A) (2) of 32142
section 3321.01 of the Revised Code. The school shall receive 32143
funds for an individual admitted under that division in the 32144
manner provided under section 3317.022 of the Revised Code. 32145

If the school operates a program that uses the Montessori 32146
method endorsed by the American Montessori society, the 32147
Montessori accreditation council for teacher education, or the 32148
association Montessori internationale as its primary method of 32149
instruction, admission to the school may be open to individuals 32150
younger than five years of age but the school shall not receive 32151
funds under section 3317.022 of the Revised Code for those 32152
individuals. Notwithstanding anything to the contrary in this 32153
chapter, individuals younger than five years of age who are 32154
enrolled in a Montessori program shall be offered at least four 32155
hundred fifty-five hours of learning opportunities per school 32156
year. 32157

If the school operates a preschool program that is 32158
licensed by the department of education and workforce under 32159
sections 3301.52 to 3301.59 of the Revised Code, admission to 32160
the school may be open to individuals who are younger than five 32161
years of age, but the school shall not receive funds under this 32162
chapter for those individuals. 32163

(B) (1) That admission to the school may be limited to 32164
students who have attained a specific grade level or are within 32165
a specific age group; to students that meet a definition of "at- 32166
risk," as defined in the contract; to residents of a specific 32167
geographic area within the district, as defined in the contract; 32168
or to separate groups of autistic students and nondisabled 32169

students, as authorized in section 3314.061 of the Revised Code 32170
and as defined in the contract. 32171

(2) For purposes of division (B)(1) of this section, "at- 32172
risk" students may include those students identified as gifted 32173
students under section 3324.03 of the Revised Code. 32174

(C) Whether enrollment is limited to students who reside 32175
in the district in which the school is located or is open to 32176
residents of other districts, as provided in the policy adopted 32177
pursuant to the contract. 32178

(D)(1) That there will be no discrimination in the 32179
admission of students to the school on the basis of race, creed, 32180
color, disability, or sex except that: 32181

(a) The governing authority may do either of the following 32182
for the purpose described in division (G) of this section: 32183

(i) Establish a single-gender school for either sex; 32184

(ii) Establish single-gender schools for each sex under 32185
the same contract, provided substantially equal facilities and 32186
learning opportunities are offered for both boys and girls. Such 32187
facilities and opportunities may be offered for each sex at 32188
separate locations. 32189

(b) The governing authority may establish a school that 32190
simultaneously serves a group of students identified as autistic 32191
and a group of students who are not disabled, as authorized in 32192
section 3314.061 of the Revised Code. However, unless the total 32193
capacity established for the school has been filled, no student 32194
with any disability shall be denied admission on the basis of 32195
that disability. 32196

(2) That upon admission of any student with a disability, 32197

the community school will comply with all federal and state laws 32198
regarding the education of students with disabilities. 32199

(E) That the school may not limit admission to students on 32200
the basis of intellectual ability, measures of achievement or 32201
aptitude, or athletic ability, except that a school may limit 32202
its enrollment to students as described in division (B) of this 32203
section. 32204

(F) That the community school will admit the number of 32205
students that does not exceed the capacity of the school's 32206
programs, classes, grade levels, or facilities. 32207

(G) That the purpose of single-gender schools that are 32208
established shall be to take advantage of the academic benefits 32209
some students realize from single-gender instruction and 32210
facilities and to offer students and parents residing in the 32211
district the option of a single-gender education. 32212

(H) That, except as otherwise provided under division (B) 32213
of this section or section 3314.061 of the Revised Code, if the 32214
number of applicants exceeds the capacity restrictions of 32215
division (F) of this section, students shall be admitted by lot 32216
from all those submitting applications, except preference shall 32217
be given to students attending the school the previous year and 32218
to students who reside in the district in which the school is 32219
located. Preference may be given to siblings of students 32220
attending the school the previous year. Preference also may be 32221
given to students who are the children of full-time staff 32222
members employed by the school, provided the total number of 32223
students receiving this preference is less than five per cent of 32224
the school's total enrollment. 32225

Notwithstanding divisions (A) to (H) of this section, in 32226

the event the racial composition of the enrollment of the 32227
community school is violative of a federal desegregation order, 32228
the community school shall take any and all corrective measures 32229
to comply with the desegregation order. 32230

Sec. 3314.072. The provisions of this section are enacted 32231
to promote the public health, safety, and welfare by 32232
establishing procedures under which the governing authorities of 32233
community schools established under this chapter will be held 32234
accountable for their compliance with the terms of the contracts 32235
they enter into with their school's sponsors and the law 32236
relating to the school's operation. Suspension of the operation 32237
of a school imposed under this section is intended to encourage 32238
the governing authority's compliance with the terms of the 32239
school's contract and the law and is not intended to be an 32240
alteration of the terms of that contract. 32241

(A) If a sponsor of a community school established under 32242
this chapter suspends the operation of that school pursuant to 32243
procedures set forth in this section, the governing authority 32244
shall not operate that school while the suspension is in effect. 32245
Any such suspension shall remain in effect until the sponsor 32246
notifies the governing authority that it is no longer in effect. 32247
The contract of a school of which operation is suspended under 32248
this section also may be subject to termination or nonrenewal 32249
under section 3314.07 of the Revised Code. 32250

(B) If at any time conditions at the school do not comply 32251
with a health and safety standard established by law for school 32252
buildings, the sponsor shall immediately suspend the operation 32253
of the school pursuant to procedures set forth in division (D) 32254
of this section. If the sponsor fails to take action to suspend 32255
the operation of a school to which this division applies, the 32256

department of education and workforce may take such action. 32257

(C) (1) For any of the reasons prescribed in ~~division_~~ 32258
divisions (B) (1) (a) to (d) of section 3314.07 of the Revised 32259
Code, the sponsor of a community school established under this 32260
chapter may suspend the operation of the school only if it first 32261
issues to the governing authority notice of the sponsor's intent 32262
to suspend the operation of the contract. Such notice shall 32263
explain the reasons for the sponsor's intent to suspend 32264
operation of the contract and shall provide the school's 32265
governing authority with five business days to submit to the 32266
sponsor a proposal to remedy the conditions cited as reasons for 32267
the suspension. 32268

(2) The sponsor shall promptly review any proposed remedy 32269
timely submitted by the governing authority and either approve 32270
or disapprove the remedy. If the sponsor disapproves the remedy 32271
proposed by the governing authority, if the governing authority 32272
fails to submit a proposed remedy in the manner prescribed by 32273
the sponsor, or if the governing authority fails to implement 32274
the remedy as approved by the sponsor, the sponsor may suspend 32275
operation of the school pursuant to procedures set forth in 32276
division (D) of this section. 32277

(D) (1) If division (B) of this section applies or if the 32278
sponsor of a community school established under this chapter 32279
decides to suspend the operation of a school as permitted in 32280
division (C) (2) of this section, the sponsor shall promptly send 32281
written notice to the governing authority stating that the 32282
operation of the school is immediately suspended, and explaining 32283
the specific reasons for the suspension. The notice shall state 32284
that the governing authority has five business days to submit a 32285
proposed remedy to the conditions cited as reasons for the 32286

suspension or face potential contract termination. 32287

(2) Upon receipt of the notice of suspension prescribed 32288
under division (D) (1) of this section, the governing authority 32289
shall immediately notify the employees of the school and the 32290
parents of the students enrolled in the school of the suspension 32291
and the reasons therefore, and shall cease all school operations 32292
on the next business day. 32293

(E) (1) Beginning with the 2013-2014 school year, if the 32294
sponsor of a community school suspends the operation of that 32295
school pursuant to procedures set forth in this section, the 32296
school's contract with the sponsor under section 3314.03 of the 32297
Revised Code shall become void, if the governing authority of 32298
the school fails to provide a proposal to remedy the conditions 32299
cited by the sponsor as reasons for the suspension, to the 32300
satisfaction of the sponsor, by the thirtieth day of September 32301
of the school year immediately following the school year in 32302
which the operation of school was suspended. 32303

(2) If, prior to ~~the effective date of this amendment~~ 32304
September 29, 2013, the sponsor of a community school has 32305
suspended the operation of the school, the contract with the 32306
sponsor under section 3314.03 of the Revised Code shall become 32307
void if the governing authority of the school fails to provide 32308
by September 30, 2014, a proposal to remedy the conditions cited 32309
by the sponsor as reasons for the suspension, to the 32310
satisfaction of the sponsor. 32311

Sec. 3314.074. Divisions (A) and (B) of this section apply 32312
only to the extent permitted under Chapter 1702. of the Revised 32313
Code. 32314

(A) If any community school established under this chapter 32315

permanently closes and ceases its operation as a community 32316
school, the assets of that school shall be distributed first to 32317
the retirement funds of employees of the school, employees of 32318
the school, and private creditors who are owed compensation, and 32319
then any remaining funds shall be paid to the department of 32320
education and workforce for redistribution to the school 32321
districts in which the students who were enrolled in the school 32322
at the time it ceased operation were entitled to attend school 32323
under section 3313.64 or 3313.65 of the Revised Code. The amount 32324
distributed to each school district shall be proportional to the 32325
district's share of the total enrollment in the community 32326
school. For any community school that closes after fiscal year 32327
2021, any remaining funds shall be paid to the department ~~of~~ 32328
~~education~~ and deposited into the state general revenue fund. 32329

(B) If a community school closes and ceases to operate as 32330
a community school and the school has received computer hardware 32331
or software from the former Ohio SchoolNet commission or the 32332
former eTech Ohio commission, such hardware or software shall be 32333
turned over to the department ~~of education~~, which shall 32334
redistribute the hardware and software, to the extent such 32335
redistribution is possible, to school districts in conformance 32336
with the provisions of the programs as they were operated and 32337
administered by the former eTech Ohio commission. 32338

(C) If the assets of the school are insufficient to pay 32339
all persons or entities to whom compensation is owed, the 32340
prioritization of the distribution of the assets to individual 32341
persons or entities within each class of payees may be 32342
determined by decree of a court in accordance with this section 32343
and Chapter 1702. of the Revised Code. 32344

(D) A community school that engages in a merger or 32345

consolidation pursuant to division (B) of section 1702.41 of the Revised Code and becomes a single public benefit corporation shall not be required to distribute assets pursuant to divisions (A), (B), and (C) of this section, provided that the governing authority of the community school created by the merger or consolidation enters into a contract for sponsorship under section 3314.03 of the Revised Code with an entity rated "effective" or higher by the department ~~of education~~ pursuant to section 3314.016 of the Revised Code.

Sec. 3314.08. (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

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

(B) The ~~state board~~ department of education and workforce shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following:

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(3) The number of students reported under division (B) (2) of this section receiving special education and related services

pursuant to an IEP for a disability described in each of	32375
divisions (A) to (F) of section 3317.013 of the Revised Code;	32376
(4) The full-time equivalent number of students reported	32377
under divisions (B)(1) and (2) of this section who are enrolled	32378
in career-technical education programs or classes described in	32379
each of divisions (A)(1) to (5) of section 3317.014 of the	32380
Revised Code that are provided by the community school;	32381
(5) The number of students reported under divisions (B)(1)	32382
and (2) of this section who are not reported under division (B)	32383
(4) of this section but who are enrolled in career-technical	32384
education programs or classes described in each of divisions (A)	32385
(1) to (5) of section 3317.014 of the Revised Code at a joint	32386
vocational school district or another district in the career-	32387
technical planning district to which the school is assigned;	32388
(6) The number of students reported under divisions (B)(1)	32389
and (2) of this section who are category one to three English	32390
learners described in each of divisions (A) to (C) of section	32391
3317.016 of the Revised Code;	32392
(7) The number of students reported under divisions (B)(1)	32393
and (2) of this section who are economically disadvantaged, as	32394
defined by the department. A student shall not be categorically	32395
excluded from the number reported under division (B)(7) of this	32396
section based on anything other than family income.	32397
(8) For each student, the city, exempted village, or local	32398
school district in which the student is entitled to attend	32399
school under section 3313.64 or 3313.65 of the Revised Code.	32400
(9) The number of students enrolled in a preschool program	32401
operated by the school that is licensed by the department of	32402
education under sections 3301.52 to 3301.59 of the Revised Code	32403

who are not receiving special education and related services 32404
pursuant to an IEP. 32405

A school district board and a community school governing 32406
authority shall include in their respective reports under 32407
division (B) of this section any child admitted in accordance 32408
with division (A) (2) of section 3321.01 of the Revised Code. 32409

A governing authority of a community school shall not 32410
include in its report under divisions (B) (1) to (9) of this 32411
section any student for whom tuition is charged under division 32412
(F) of this section. 32413

(C) (1) (a) If a community school's costs for a fiscal year 32414
for a student receiving special education and related services 32415
pursuant to an IEP for a disability described in divisions (B) 32416
to (F) of section 3317.013 of the Revised Code exceed the 32417
threshold catastrophic cost for serving the student as specified 32418
in division (B) of section 3317.0214 of the Revised Code, the 32419
school may submit to the ~~superintendent of public instruction~~ 32420
director of education and workforce documentation, as prescribed 32421
by the ~~superintendent~~ director, of all its costs for that 32422
student. Upon submission of documentation for a student of the 32423
type and in the manner prescribed, the department shall pay to 32424
the community school an amount equal to the school's costs for 32425
the student in excess of the threshold catastrophic costs. 32426

(b) The community school shall report under division (C) 32427
(1) (a) of this section, and the department shall pay for, only 32428
the costs of educational expenses and the related services 32429
provided to the student in accordance with the student's 32430
individualized education program. Any legal fees, court costs, 32431
or other costs associated with any cause of action relating to 32432
the student may not be included in the amount. 32433

(2) In any fiscal year, a community school receiving funds under division (A) (7) of section 3317.022 of the Revised Code shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school to report data annually so that the department may monitor the school's compliance with the requirements regarding the manner in which funding received under division (A) (7) of section 3317.022 of the Revised Code may be spent.

(3) Notwithstanding anything to the contrary in section 3313.90 of the Revised Code, except as provided in division (C) (5) of this section, all funds received under division (A) (7) of section 3317.022 of the Revised Code shall be spent in the following manner:

(a) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(4) A community school shall spend the funds it receives

under division (A) (4) of section 3317.022 of the Revised Code in 32464
accordance with section 3317.25 of the Revised Code. 32465

(5) The department may waive the requirement in division 32466
(C) (3) of this section for any community school that exclusively 32467
provides one or more career-technical workforce development 32468
programs in arts and communications that are not equipment- 32469
intensive, as determined by the department. 32470

(6) For fiscal years 2022 and 2023, a community school 32471
shall spend the funds it receives under division (A) (5) of 32472
section 3317.022 of the Revised Code only for services for 32473
English learners. 32474

(D) A board of education sponsoring a community school may 32475
utilize local funds to make enhancement grants to the school or 32476
may agree, either as part of the contract or separately, to 32477
provide any specific services to the community school at no cost 32478
to the school. 32479

(E) A community school may not levy taxes or issue bonds 32480
secured by tax revenues. 32481

(F) No community school shall charge tuition for the 32482
enrollment of any student who is a resident of this state. A 32483
community school may charge tuition for the enrollment of any 32484
student who is not a resident of this state. 32485

(G) (1) (a) A community school may borrow money to pay any 32486
necessary and actual expenses of the school in anticipation of 32487
the receipt of any portion of the payments to be received by the 32488
school pursuant to section 3317.022 of the Revised Code. The 32489
school may issue notes to evidence such borrowing. The proceeds 32490
of the notes shall be used only for the purposes for which the 32491
anticipated receipts may be lawfully expended by the school. 32492

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities. 32493
32494

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school. 32495
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32497

(H) The department ~~of education~~ shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The ~~state board of education~~ ~~within ninety days after April 8, 2003,~~ department shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division: 32498
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(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code. 32509
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(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H) (3) and (4) of this section to a community school 32513
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student, "learning opportunities" shall be defined in the 32523
contract, which shall describe both classroom-based and non- 32524
classroom-based learning opportunities and shall be in 32525
compliance with criteria and documentation requirements for 32526
student participation which shall be established by the 32527
department. Any student's instruction time in non-classroom- 32528
based learning opportunities shall be certified by an employee 32529
of the community school. A student's enrollment shall be 32530
considered to cease on the date on which any of the following 32531
occur: 32532

(a) The community school receives documentation from a 32533
parent terminating enrollment of the student. 32534

(b) The community school is provided documentation of a 32535
student's enrollment in another public or private school. 32536

(c) The community school ceases to offer learning 32537
opportunities to the student pursuant to the terms of the 32538
contract with the sponsor or the operation of any provision of 32539
this chapter. 32540

Except as otherwise specified in this paragraph, beginning 32541
in the 2011-2012 school year, any student who completed the 32542
prior school year in an internet- or computer-based community 32543
school shall be considered to be enrolled in the same school in 32544
the subsequent school year until the student's enrollment has 32545
ceased as specified in division (H) (2) of this section. The 32546
department shall continue paying amounts for the student under 32547
section 3317.022 of the Revised Code without interruption at the 32548
start of the subsequent school year. However, if the student 32549
without a legitimate excuse fails to participate in the first 32550
seventy-two consecutive hours of learning opportunities offered 32551
to the student in that subsequent school year, the student shall 32552

be considered not to have re-enrolled in the school for that 32553
school year and the department shall recalculate the payments to 32554
the school for that school year to account for the fact that the 32555
student is not enrolled. 32556

(3) The department shall determine each community school 32557
student's percentage of full-time equivalency based on the 32558
percentage of learning opportunities offered by the community 32559
school to that student, reported either as number of hours or 32560
number of days, is of the total learning opportunities offered 32561
by the community school to a student who attends for the 32562
school's entire school year. However, no internet- or computer- 32563
based community school shall be credited for any time a student 32564
spends participating in learning opportunities beyond ten hours 32565
within any period of twenty-four consecutive hours. Whether it 32566
reports hours or days of learning opportunities, each community 32567
school shall offer not less than nine hundred twenty hours of 32568
learning opportunities during the school year. 32569

(4) With respect to the calculation of full-time 32570
equivalency under division (H) (3) of this section, the 32571
department shall waive the number of hours or days of learning 32572
opportunities not offered to a student because the community 32573
school was closed during the school year due to disease 32574
epidemic, hazardous weather conditions, law enforcement 32575
emergencies, inoperability of school buses or other equipment 32576
necessary to the school's operation, damage to a school 32577
building, or other temporary circumstances due to utility 32578
failure rendering the school building unfit for school use, so 32579
long as the school was actually open for instruction with 32580
students in attendance during that school year for not less than 32581
the minimum number of hours required by this chapter. The 32582
department shall treat the school as if it were open for 32583

instruction with students in attendance during the hours or days 32584
waived under this division. 32585

(I) The department of education and workforce shall reduce 32586
the amounts paid under section 3317.022 of the Revised Code to 32587
reflect payments made to colleges under section 3365.07 of the 32588
Revised Code. 32589

(J) (1) No student shall be considered enrolled in any 32590
internet- or computer-based community school or, if applicable 32591
to the student, in any community school that is required to 32592
provide the student with a computer pursuant to division (C) of 32593
section 3314.22 of the Revised Code, unless both of the 32594
following conditions are satisfied: 32595

(a) The student possesses or has been provided with all 32596
required hardware and software materials and all such materials 32597
are operational so that the student is capable of fully 32598
participating in the learning opportunities specified in the 32599
contract between the school and the school's sponsor as required 32600
by division (A) (23) of section 3314.03 of the Revised Code; 32601

(b) The school is in compliance with division (A) of 32602
section 3314.22 of the Revised Code, relative to such student. 32603

(2) In accordance with policies adopted by the 32604
~~superintendent of public instruction~~department of education and 32605
workforce, in consultation with the auditor of state, the 32606
department shall reduce the amounts otherwise payable under 32607
section 3317.022 of the Revised Code to any community school 32608
that includes in its program the provision of computer hardware 32609
and software materials to any student, if such hardware and 32610
software materials have not been delivered, installed, and 32611
activated for each such student in a timely manner or other 32612

educational materials or services have not been provided 32613
according to the contract between the individual community 32614
school and its sponsor. 32615

The ~~superintendent of public instruction~~ director and the 32616
auditor of state shall jointly establish a method for auditing 32617
any community school to which this division pertains to ensure 32618
compliance with this section. 32619

The ~~superintendent~~ director, auditor of state, and the 32620
governor shall jointly make recommendations to the general 32621
assembly for legislative changes that may be required to assure 32622
fiscal and academic accountability for such schools. 32623

(K) (1) If the department determines that a review of a 32624
community school's enrollment is necessary, such review shall be 32625
completed and written notice of the findings shall be provided 32626
to the governing authority of the community school and its 32627
sponsor within ninety days of the end of the community school's 32628
fiscal year, unless extended for a period not to exceed thirty 32629
additional days for one of the following reasons: 32630

(a) The department and the community school mutually agree 32631
to the extension. 32632

(b) Delays in data submission caused by either a community 32633
school or its sponsor. 32634

(2) If the review results in a finding that additional 32635
funding is owed to the school, such payment shall be made within 32636
thirty days of the written notice. If the review results in a 32637
finding that the community school owes moneys to the state, the 32638
following procedure shall apply: 32639

(a) Within ten business days of the receipt of the notice 32640
of findings, the community school may appeal the department's 32641

determination to the ~~state board of education or its designee~~,
director. 32642
32643

(b) The ~~board or its designee~~ director shall conduct an 32644
informal hearing on the matter within thirty days of receipt of 32645
such an appeal and shall issue a decision within fifteen days of 32646
the conclusion of the hearing. 32647

(c) ~~If the board has enlisted a designee to conduct the~~ 32648
~~hearing, the designee shall certify its decision to the board.~~ 32649
~~The board may accept the decision of the designee or may reject~~ 32650
~~the decision of the designee and issue its own decision on the~~ 32651
~~matter.~~ 32652

~~(d)~~ Any decision made by the ~~board~~ director under this 32653
division is final. 32654

(3) If it is decided that the community school owes moneys 32655
to the state, the department shall deduct such amount from the 32656
school's future payments in accordance with guidelines issued by 32657
the ~~superintendent of public instruction~~ director. 32658

(L) The department shall not pay to a community school 32659
under section 3317.022 of the Revised Code any amount for any of 32660
the following: 32661

(1) Any student who has graduated from the twelfth grade 32662
of a public or nonpublic high school; 32663

(2) Any student who is not a resident of the state; 32664

(3) Any student who was enrolled in the community school 32665
during the previous school year when assessments were 32666
administered under section 3301.0711 of the Revised Code but did 32667
not take one or more of the assessments required by that section 32668
and was not excused pursuant to division (C) (1) or (3) of that 32669

section, unless the ~~superintendent of public instruction~~ 32670
director grants the student a waiver from the requirement to 32671
take the assessment and a parent is not paying tuition for the 32672
student pursuant to section 3314.26 of the Revised Code. The 32673
~~superintendent~~ director may grant a waiver only for good cause 32674
in accordance with rules adopted by the ~~state board of education~~ 32675
department. 32676

(4) Any student who has attained the age of twenty-two 32677
years, except for veterans of the armed services whose 32678
attendance was interrupted before completing the recognized 32679
twelve-year course of the public schools by reason of induction 32680
or enlistment in the armed forces and who apply for enrollment 32681
in a community school not later than four years after 32682
termination of war or their honorable discharge. If, however, 32683
any such veteran elects to enroll in special courses organized 32684
for veterans for whom tuition is paid under federal law, or 32685
otherwise, the department shall not pay to a community school 32686
under section 3317.022 of the Revised Code any amount for that 32687
veteran. 32688

Sec. 3314.081. To the extent permitted by federal law, the 32689
department of education and workforce shall include community 32690
schools established under this chapter in its annual allocation 32691
of federal moneys under Title I of the "Elementary and Secondary 32692
Education Act of 1965," 20 U.S.C. 6301, et seq. 32693

Sec. 3314.083. If the department of education and 32694
workforce pays a joint vocational school district under division 32695
(C) (3) of section 3317.16 of the Revised Code for excess costs 32696
of providing special education and related services to a student 32697
with a disability who is enrolled in a community school, as 32698
calculated under division (C) (1) of that section, the department 32699

shall deduct the amount of that payment from the amount 32700
calculated for payment to the community school under section 32701
3317.022 of the Revised Code. 32702

Sec. 3314.087. (A) As used in this section: 32703

(1) "Career-technical program" means career-technical 32704
programs or classes described in division (A) (1), (2), (3), (4), 32705
or (5) of section 3317.014 of the Revised Code in which a 32706
student is enrolled. 32707

(2) "Category one through five career-technical education 32708
ADM," and "FTE basis" have the same meanings as in section 32709
3317.02 of the Revised Code. 32710

(3) "Resident school district" means the city, exempted 32711
village, or local school district in which a student is entitled 32712
to attend school under section 3313.64 or 3313.65 of the Revised 32713
Code. 32714

(B) Notwithstanding anything to the contrary in this 32715
chapter or Chapter 3317. of the Revised Code, a student enrolled 32716
in a community school may simultaneously enroll in the career- 32717
technical program operated by the career-technical planning 32718
district to which the student's resident district belongs. On an 32719
FTE basis, the student's resident school district shall count 32720
the student in the category one through five career-technical 32721
education ADM for the proportion of the time the student is 32722
enrolled in a career-technical program of the career-technical 32723
planning district to which the student's resident district 32724
belongs and, accordingly, the department of education and 32725
workforce shall calculate funds under Chapter 3317. of the 32726
Revised Code for the resident district attributable to the 32727
student for the proportion of time the student attends the 32728

career-technical program. The community school shall count the student in its enrollment report under section 3314.08 of the Revised Code and shall report to the department the proportion of time that the student attends classes at the community school. The department shall pay the community school the amount computed for the student under section 3317.022 of the Revised Code in proportion to the fraction of the time on an FTE basis that the student attends classes at the community school. "Full-time equivalency" for a community school student, as defined in division (H) of section 3314.08 of the Revised Code, does not apply to the student.

Sec. 3314.091. (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the ~~superintendent of public instruction~~ director of education and workforce as having met all of the following requirements:

(1) It is submitted to the department of education and workforce by a deadline which shall be established by the department.

(2) In accordance with divisions (C)(1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.

(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules

adopted under the Revised Code pertaining to pupil 32759
transportation. 32760

(4) The sponsor of the community school also has signed 32761
the agreement. 32762

(B) (1) For the school year that begins on July 1, 2007, a 32763
school district is not required to provide transportation for 32764
any native student enrolled in a community school, if the 32765
community school during the previous school year transported the 32766
students enrolled in the school or arranged for the students' 32767
transportation, even if that arrangement consisted of having 32768
parents transport their children to and from the school, but did 32769
not enter into an agreement to transport or arrange for 32770
transportation for those students under division (A) of this 32771
section, and if the governing authority of the community school 32772
by July 15, 2007, submits written notification to the district 32773
board of education stating that the governing authority is 32774
accepting responsibility for providing or arranging for the 32775
transportation of the district's native students to and from the 32776
community school. 32777

(2) Except as provided in division (B) (4) of this section, 32778
for any school year subsequent to the school year that begins on 32779
July 1, 2007, a school district is not required to provide 32780
transportation for any native student enrolled in a community 32781
school if the governing authority of the community school, by 32782
the first day of August, submits written notification to the 32783
district board of education stating that the governing authority 32784
is accepting responsibility for providing or arranging for the 32785
transportation of the district's native students to and from the 32786
community school. If the governing authority of the community 32787
school has previously accepted responsibility for providing or 32788

arranging for the transportation of a district's native students 32789
to and from the community school, under division (B) (1) or (2) 32790
of this section, and has since relinquished that responsibility 32791
under division (B) (3) of this section, the governing authority 32792
shall not accept that responsibility again unless the district 32793
board consents to the governing authority's acceptance of that 32794
responsibility. 32795

(3) A governing authority's acceptance of responsibility 32796
under division (B) (1) or (2) of this section shall cover an 32797
entire school year, and shall remain in effect for subsequent 32798
school years unless the governing authority submits written 32799
notification to the district board that the governing authority 32800
is relinquishing the responsibility. However, a governing 32801
authority shall not relinquish responsibility for transportation 32802
before the end of a school year, and shall submit the notice 32803
relinquishing responsibility by the thirty-first day of January, 32804
in order to allow the school district reasonable time to prepare 32805
transportation for its native students enrolled in the school. 32806

(4) (a) For any school year that begins on or after July 1, 32807
2014, a school district is not required to provide 32808
transportation for any native student enrolled in a community 32809
school scheduled to open for operation in the current school 32810
year, if the governing authority of the community school, by the 32811
fifteenth day of April of the previous school year, submits 32812
written notification to the district board of education stating 32813
that the governing authority is accepting responsibility for 32814
providing or arranging for the transportation of the district's 32815
native students to and from the community school. 32816

(b) The governing authority of a community school that 32817
accepts responsibility for transporting its students under 32818

division (B) (4) (a) of this section shall comply with divisions 32819
(B) (2) and (3) of this section to renew or relinquish that 32820
authority for subsequent school years. 32821

(C) (1) A community school governing authority that enters 32822
into an agreement under division (A) of this section, or that 32823
accepts responsibility under division (B) of this section, shall 32824
provide or arrange transportation free of any charge for each of 32825
its enrolled students who is required to be transported under 32826
section 3327.01 of the Revised Code. The governing authority 32827
shall report to the department of education and workforce the 32828
number of students transported or for whom transportation is 32829
arranged under this section in accordance with rules adopted by 32830
~~the state board of education~~ department. 32831

(2) The governing authority may provide or arrange 32832
transportation for any other enrolled student who is not 32833
eligible for transportation in accordance with division (C) (1) 32834
of this section and may charge a fee for such service up to the 32835
actual cost of the service. 32836

(3) Notwithstanding anything to the contrary in division 32837
(C) (1) or (2) of this section, a community school governing 32838
authority shall provide or arrange transportation free of any 32839
charge for any disabled student enrolled in the school for whom 32840
the student's individualized education program developed under 32841
Chapter 3323. of the Revised Code specifies transportation. 32842

(D) A community school shall use payments received under 32843
division (H) of section 3317.0212 of the Revised Code solely to 32844
pay the costs of providing or arranging for the transportation 32845
of students who are eligible as specified in section 3327.01 of 32846
the Revised Code and division (C) (1) of this section, which may 32847
include payments to a parent, guardian, or other person in 32848

charge of a child in lieu of transportation. 32849

(E) Except when arranged through payment to a parent, 32850
guardian, or person in charge of a child, transportation 32851
provided or arranged for by a community school pursuant to an 32852
agreement under this section is subject to all provisions of the 32853
Revised Code, and all rules adopted under the Revised Code, 32854
pertaining to the construction, design, equipment, and operation 32855
of school buses and other vehicles transporting students to and 32856
from school. The drivers and mechanics of the vehicles are 32857
subject to all provisions of the Revised Code, and all rules 32858
adopted under the Revised Code, pertaining to drivers and 32859
mechanics of such vehicles. The community school also shall 32860
comply with sections 3313.201, 3327.09, and 3327.10 of the 32861
Revised Code, division (B) of section 3327.16 of the Revised 32862
Code and, subject to division (C)(1) of this section, sections 32863
3327.01 and 3327.02 of the Revised Code, as if it were a school 32864
district. 32865

Sec. 3314.10. (A)(1) The governing authority of any 32866
community school established under this chapter may employ 32867
teachers and nonteaching employees necessary to carry out its 32868
mission and fulfill its contract. 32869

(2) Except as provided under division (A)(3) of this 32870
section, employees hired under this section may organize and 32871
collectively bargain pursuant to Chapter 4117. of the Revised 32872
Code. Notwithstanding division (D)(1) of section 4117.06 of the 32873
Revised Code, a unit containing teaching and nonteaching 32874
employees employed under this section shall be considered an 32875
appropriate unit. Except as provided in divisions (B)(2)(b) and 32876
(c) of section 3307.01 of the Revised Code and in section 32877
3309.013 of the Revised Code, employment under this section is 32878

subject to either Chapter 3307. or 3309. of the Revised Code. 32879

(3) If a school is created by converting all or part of an 32880
existing public school rather than by establishment of a new 32881
start-up school, at the time of conversion, the employees of the 32882
community school shall remain part of any collective bargaining 32883
unit in which they were included immediately prior to the 32884
conversion and shall remain subject to any collective bargaining 32885
agreement for that unit in effect on the first day of July of 32886
the year in which the community school initially begins 32887
operation and shall be subject to any subsequent collective 32888
bargaining agreement for that unit, unless a petition is 32889
certified as sufficient under division (A) (6) of this section 32890
with regard to those employees. Any new employees of the 32891
community school shall also be included in the unit to which 32892
they would have been assigned had not the conversion taken place 32893
and shall be subject to the collective bargaining agreement for 32894
that unit unless a petition is certified as sufficient under 32895
division (A) (6) of this section with regard to those employees. 32896

Notwithstanding division (B) of section 4117.01 of the 32897
Revised Code, the board of education of a school district and 32898
not the governing authority of a community school shall be 32899
regarded, for purposes of Chapter 4117. of the Revised Code, as 32900
the "public employer" of the employees of a conversion community 32901
school subject to a collective bargaining agreement pursuant to 32902
division (A) (3) of this section unless a petition is certified 32903
under division (A) (6) of this section with regard to those 32904
employees. Only on and after the effective date of a petition 32905
certified as sufficient under division (A) (6) of this section 32906
shall division (A) (2) of this section apply to those employees 32907
of that community school and only on and after the effective 32908
date of that petition shall Chapter 4117. of the Revised Code 32909

apply to the governing authority of that community school with 32910
regard to those employees. 32911

(4) Notwithstanding sections 4117.03 to 4117.18 of the 32912
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32913
133 of the 115th general assembly, the employees of a conversion 32914
community school who are subject to a collective bargaining 32915
agreement pursuant to division (A)(3) of this section shall 32916
cease to be subject to that agreement and all subsequent 32917
agreements pursuant to that division and shall cease to be part 32918
of the collective bargaining unit that is subject to that and 32919
all subsequent agreements, if a majority of the employees of 32920
that community school who are subject to that collective 32921
bargaining agreement sign and submit to the state employment 32922
relations board a petition requesting all of the following: 32923

(a) That all the employees of the community school who are 32924
subject to that agreement be removed from the bargaining unit 32925
that is subject to that agreement and be designated by the state 32926
employment relations board as a new and separate bargaining unit 32927
for purposes of Chapter 4117. of the Revised Code; 32928

(b) That the employee organization certified as the 32929
exclusive representative of the employees of the bargaining unit 32930
from which the employees are to be removed be certified as the 32931
exclusive representative of the new and separate bargaining unit 32932
for purposes of Chapter 4117. of the Revised Code; 32933

(c) That the governing authority of the community school 32934
be regarded as the "public employer" of these employees for 32935
purposes of Chapter 4117. of the Revised Code. 32936

(5) Notwithstanding sections 4117.03 to 4117.18 of the 32937
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32938

133 of the 115th general assembly, the employees of a conversion 32939
community school who are subject to a collective bargaining 32940
agreement pursuant to division (A) (3) of this section shall 32941
cease to be subject to that agreement and all subsequent 32942
agreements pursuant to that division, shall cease to be part of 32943
the collective bargaining unit that is subject to that and all 32944
subsequent agreements, and shall cease to be represented by any 32945
exclusive representative of that collective bargaining unit, if 32946
a majority of the employees of the community school who are 32947
subject to that collective bargaining agreement sign and submit 32948
to the state employment relations board a petition requesting 32949
all of the following: 32950

(a) That all the employees of the community school who are 32951
subject to that agreement be removed from the bargaining unit 32952
that is subject to that agreement; 32953

(b) That any employee organization certified as the 32954
exclusive representative of the employees of that bargaining 32955
unit be decertified as the exclusive representative of the 32956
employees of the community school who are subject to that 32957
agreement; 32958

(c) That the governing authority of the community school 32959
be regarded as the "public employer" of these employees for 32960
purposes of Chapter 4117. of the Revised Code. 32961

(6) Upon receipt of a petition under division (A) (4) or 32962
(5) of this section, the state employment relations board shall 32963
check the sufficiency of the signatures on the petition. If the 32964
signatures are found sufficient, the board shall certify the 32965
sufficiency of the petition and so notify the parties involved, 32966
including the board of education, the governing authority of the 32967
community school, and any exclusive representative of the 32968

bargaining unit. The changes requested in a certified petition 32969
shall take effect on the first day of the month immediately 32970
following the date on which the sufficiency of the petition is 32971
certified under division (A) (6) of this section. 32972

(B) (1) The board of education of each city, local, and 32973
exempted village school district sponsoring a community school 32974
and the governing board of each educational service center in 32975
which a community school is located shall adopt a policy that 32976
provides a leave of absence of at least three years to each 32977
teacher or nonteaching employee of the district or service 32978
center who is employed by a conversion or new start-up community 32979
school sponsored by the district or located in the district or 32980
center for the period during which the teacher or employee is 32981
continuously employed by the community school. The policy shall 32982
also provide that any teacher or nonteaching employee may return 32983
to employment by the district or service center if the teacher 32984
or employee leaves or is discharged from employment with the 32985
community school for any reason, unless, in the case of a 32986
teacher, the board of the district or service center determines 32987
that the teacher was discharged for a reason for which the board 32988
would have sought to discharge the teacher under section 3311.82 32989
or 3319.16 of the Revised Code, in which case the board may 32990
proceed to discharge the teacher utilizing the procedures of 32991
that section. Upon termination of such a leave of absence, any 32992
seniority that is applicable to the person shall be calculated 32993
to include all of the following: all employment by the district 32994
or service center prior to the leave of absence; all employment 32995
by the community school during the leave of absence; and all 32996
employment by the district or service center after the leave of 32997
absence. The policy shall also provide that if any teacher 32998
holding valid certification returns to employment by the 32999

district or service center upon termination of such a leave of 33000
absence, the teacher shall be restored to the previous position 33001
and salary or to a position and salary similar thereto. If, as a 33002
result of teachers returning to employment upon termination of 33003
such leaves of absence, a school district or educational service 33004
center reduces the number of teachers it employs, it shall make 33005
such reductions in accordance with section 3319.171 of the 33006
Revised Code. 33007

Unless a collective bargaining agreement providing 33008
otherwise is in effect for an employee of a conversion community 33009
school pursuant to division (A)(3) of this section, an employee 33010
on a leave of absence pursuant to this division shall remain 33011
eligible for any benefits that are in addition to benefits under 33012
Chapter 3307. or 3309. of the Revised Code provided by the 33013
district or service center to its employees provided the 33014
employee pays the entire cost associated with such benefits, 33015
except that personal leave and vacation leave cannot be accrued 33016
for use as an employee of a school district or service center 33017
while in the employ of a community school unless the district or 33018
service center board adopts a policy expressly permitting this 33019
accrual. 33020

(2) While on a leave of absence pursuant to division (B) 33021
(1) of this section, a conversion community school shall permit 33022
a teacher to use sick leave accrued while in the employ of the 33023
school district from which the leave of absence was taken and 33024
prior to commencing such leave. If a teacher who is on such a 33025
leave of absence uses sick leave so accrued, the cost of any 33026
salary paid by the community school to the teacher for that time 33027
shall be reported to the department of education and workforce. 33028
The cost of employing a substitute teacher for that time shall 33029
be paid by the community school. The department of education and 33030

workforce shall add amounts to the payments made to a community school under this chapter as necessary to cover the cost of salary reported by a community school as paid to a teacher using sick leave so accrued pursuant to this section. The department shall subtract the amounts of any payments made to community schools under this division from payments made to such sponsoring school district under Chapter 3317. of the Revised Code.

A school district providing a leave of absence and employee benefits to a person pursuant to this division is not liable for any action of that person while the person is on such leave and employed by a community school.

Sec. 3314.101. (A) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

(B) If a person who is employed by a community school established under this chapter or by an operator is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 of the Revised Code, if the person holds a license, or an offense listed in division (B) (1) of section 3319.39 of the Revised Code, if the person does not hold a license, the chief administrator of the community school in which that person works shall suspend that person from all duties that require the care, custody, or control of a child during the pendency of the criminal action against the person. If the person who is arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is the chief administrator of the community school, the governing authority of the school shall suspend the chief administrator from all duties that require the

care, custody, or control of a child. 33061

(C) When a person who holds a license is suspended in 33062
accordance with this section, the chief administrator or 33063
governing authority that imposed the suspension promptly shall 33064
report the person's suspension to the department of education_ 33065
and workforce and state board of education. The report shall 33066
include the offense for which the person was arrested, summoned, 33067
or indicted. 33068

Sec. 3314.11. (A) The governing authority of each 33069
community school established under this chapter monthly shall 33070
review the residency records of students enrolled in that 33071
community school. Upon the enrollment of each student and on an 33072
annual basis, the governing authority shall verify to the 33073
department of education and workforce the school district in 33074
which the student is entitled to attend school under section 33075
3313.64 or 3313.65 of the Revised Code. 33076

The school district may review the determination made by 33077
the community school under division (A) of this section. 33078

(B) (1) For purposes of its initial reporting of the school 33079
districts in which its students are entitled to attend school, 33080
the governing authority of a community school shall adopt a 33081
policy that prescribes the number of documents listed in 33082
division (E) of this section required to verify a student's 33083
residency. This policy shall supersede any policy concerning the 33084
number of documents for initial residency verification adopted 33085
by the district the student is entitled to attend. 33086

(2) For purposes of the annual reporting of the school 33087
districts in which its students are entitled to attend school, 33088
the governing authority of a community school shall adopt a 33089

policy that prescribes the information required to verify a student's residency. This information may be obtained through any type of document, including any of the documents listed in division (E) of this section, or any type of communication with a government official authorized to provide such information.

(C) For purposes of making the determinations required under this section, the school district in which a parent or child resides is the location the parent or student has established as the primary residence and where substantial family activity takes place.

(D) If a community school's determination under division (A) of this section of the school district a student is entitled to attend under section 3313.64 or 3313.65 of the Revised Code differs from a district's determination, the community school that made the determination under division (A) of this section shall provide the school district with documentation of the student's residency and shall make a good faith effort to accurately identify the correct residence of the student.

(E) For purposes of this section, the following documents may serve as evidence of primary residence:

(1) A deed, mortgage, lease, current home owner's or renter's insurance declaration page, or current real property tax bill;

(2) A utility bill or receipt of utility installation issued within ninety days of enrollment;

(3) A paycheck or paystub issued to the parent or student within ninety days of the date of enrollment that includes the address of the parent's or student's primary residence;

(4) The most current available bank statement issued to

the parent or student that includes the address of the parent's 33119
or student's primary residence; 33120

(5) Any other official document issued to the parent or 33121
student that includes the address of the parent's or student's 33122
primary residence. The ~~superintendent of public instruction~~ 33123
department shall develop guidelines for determining what 33124
qualifies as an "official document" under this division. 33125

(F) When a student loses permanent housing and becomes a 33126
homeless child or youth, as defined in 42 U.S.C. 11434a, or when 33127
a child who is such a homeless child or youth changes temporary 33128
living arrangements, the district in which the student is 33129
entitled to attend school shall be determined in accordance with 33130
division (F) (13) of section 3313.64 of the Revised Code and the 33131
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et 33132
seq. 33133

(G) In the event of a disagreement as to which school 33134
district a student is entitled to attend, the community school, 33135
after complying with division (D) of this section, but not more 33136
than sixty days after the monthly deadline established by the 33137
department ~~of education~~ for reporting of community school 33138
enrollment, may present the matter to the ~~superintendent of~~ 33139
~~public instruction~~ director of education and workforce. Not later 33140
than thirty days after the community school presents the matter, 33141
the ~~state superintendent~~ director, or the ~~state superintendent's~~ 33142
director's designee, shall determine which district the student 33143
is entitled to attend and shall direct any necessary adjustments 33144
to payments under section 3317.022 of the Revised Code based on 33145
that determination. 33146

Sec. 3314.12. On or before the first day of November each 33147
year, the sponsor of each community school established under 33148

this chapter shall submit to the department of education and 33149
workforce, in accordance with guidelines adopted by the 33150
department for purposes of this section, a report that describes 33151
the special education and related services provided by that 33152
school to enrolled students during the previous fiscal year and 33153
the school's expenditures for those services. 33154

Sec. 3314.143. (A) With the approval of its governing 33155
authority, a community school established under this chapter may 33156
procure epinephrine autoinjectors in the manner prescribed by 33157
section 3313.7110 of the Revised Code. A community school that 33158
elects to do so shall comply with all provisions of that section 33159
as if it were a school district. 33160

(B) (1) The following are not liable in damages in a civil 33161
action for injury, death, or loss to person or property that 33162
allegedly arises from an act or omission associated with 33163
procuring, maintaining, accessing, or using an epinephrine 33164
autoinjector under this section, unless the act or omission 33165
constitutes willful or wanton misconduct: 33166

(a) A community school; 33167

(b) A member of a community school governing authority; 33168

(c) A community school employee or contractor; 33169

(d) A licensed health professional authorized to prescribe 33170
drugs who personally furnishes or prescribes epinephrine 33171
autoinjectors, provides a consultation, or issues a protocol 33172
pursuant to this section. 33173

(2) This division does not eliminate, limit, or reduce any 33174
other immunity or defense that a community school or governing 33175
authority, member of a community school governing authority, 33176
community school employee or contractor, or licensed health 33177

professional may be entitled to under Chapter 2744. or any other 33178
provision of the Revised Code or under the common law of this 33179
state. 33180

(C) A community school may accept donations of epinephrine 33181
autoinjectors from a wholesale distributor of dangerous drugs or 33182
a manufacturer of dangerous drugs, as defined in section 4729.01 33183
of the Revised Code, and may accept donations of money from any 33184
person to purchase epinephrine autoinjectors. 33185

(D) A community school that elects to procure epinephrine 33186
autoinjectors under this section shall report to the department 33187
of education and workforce each procurement and occurrence in 33188
which an epinephrine autoinjector is used from the school's 33189
supply of epinephrine autoinjectors. 33190

Sec. 3314.144. (A) As used in this section, "inhaler" has 33191
the same meaning as in section 3313.7113 of the Revised Code. 33192

(B) With the approval of its governing authority, a 33193
community school may procure inhalers in the manner prescribed 33194
by section 3313.7113 of the Revised Code. A community school 33195
that elects to do so shall comply with all provisions of that 33196
section as if it were a school district. 33197

(C) A community school, a member of a community school 33198
governing authority, or a community school employee or 33199
contractor is not liable in damages in a civil action for 33200
injury, death, or loss to person or property that allegedly 33201
arises from an act or omission associated with procuring, 33202
maintaining, accessing, or using an inhaler under this section, 33203
unless the act or omission constitutes willful or wanton 33204
misconduct. 33205

This division does not eliminate, limit, or reduce any 33206

other immunity or defense that a community school or governing authority, member of a community school governing authority, or community school employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(D) A community school may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(E) A community school that elects to procure inhalers under this section shall report to the department of education_ and workforce each procurement and occurrence in which an inhaler is used from the school's supply of inhalers.

Sec. 3314.147. (A) With the approval of its governing authority, a community school established under this chapter may procure injectable or nasally administered glucagon in the manner prescribed by section 3313.7115 of the Revised Code. A community school that elects to do so shall comply with all provisions of that section as if it were a school district.

(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A community school;

(b) A member of a community school governing authority;

(c) A community school employee or contractor;

(d) A licensed health professional authorized to prescribe 33236
drugs who personally furnishes or prescribes injectable or 33237
nasally administered glucagon, provides a consultation, or 33238
issues a protocol pursuant to this section. 33239

(2) This division does not eliminate, limit, or reduce any 33240
other immunity or defense that a community school or governing 33241
authority, member of a community school governing authority, 33242
community school employee or contractor, or licensed health 33243
professional may be entitled to under Chapter 2744. or any other 33244
provision of the Revised Code or under the common law of this 33245
state. 33246

(C) A community school may accept donations of injectable 33247
or nasally administered glucagon from a wholesale distributor of 33248
dangerous drugs or a manufacturer of dangerous drugs, as defined 33249
in section 4729.01 of the Revised Code, and may accept donations 33250
of money from any person to purchase the drug. 33251

(D) A community school that elects to procure injectable 33252
or nasally administered glucagon under this section shall report 33253
to the department of education and workforce each procurement 33254
and each occurrence in which a dose of the drug is used from the 33255
school's supply. 33256

Sec. 3314.17. (A) Each community school established under 33257
this chapter shall participate in the statewide education 33258
management information system established under section 33259
3301.0714 of the Revised Code. All provisions of that section 33260
and the rules adopted under that section apply to each community 33261
school as if it were a school district, except as modified for 33262
community schools under division (B) of this section. Each 33263
community school shall comply with division (C) of section 33264
3301.0723 of the Revised Code. 33265

(B) The rules adopted by the ~~state board~~ department of 33266
education and workforce under section 3301.0714 of the Revised 33267
Code may distinguish methods and timelines for community schools 33268
to annually report data, which methods and timelines differ from 33269
those prescribed for school districts. Any methods and timelines 33270
prescribed for community schools shall be appropriate to the 33271
academic schedule and financing of community schools. The 33272
guidelines, however, shall not modify the actual data required 33273
to be reported under that section. 33274

(C) Each fiscal officer appointed under section 3314.011 33275
of the Revised Code is responsible for annually reporting the 33276
community school's data under section 3301.0714 of the Revised 33277
Code. If the ~~superintendent of public instruction~~ director of 33278
education and workforce determines that a community school 33279
fiscal officer has willfully failed to report data or has 33280
willfully reported erroneous, inaccurate, or incomplete data in 33281
any year, or has negligently reported erroneous, inaccurate, or 33282
incomplete data in the current and any previous year, the 33283
~~superintendent~~ director may impose a civil penalty of one 33284
hundred dollars on the fiscal officer after providing the 33285
officer with notice and an opportunity for a hearing in 33286
accordance with Chapter 119. of the Revised Code. The 33287
~~superintendent's~~ director's authority to impose civil penalties 33288
under this division does not preclude the state board of 33289
education from suspending or revoking the license of a community 33290
school employee under division (N) of section 3301.0714 of the 33291
Revised Code. 33292

(D) No community school shall acquire, change, or update 33293
its student administration software package to manage and report 33294
data required to be reported to the department unless it 33295
converts to a student software package that is certified by the 33296

department. 33297

Sec. 3314.18. (A) Subject to division (C) of this section, 33298
the governing authority of each community school shall establish 33299
a breakfast program pursuant to the "National School Lunch Act," 33300
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 33301
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 33302
amended, if at least one-fifth of the pupils in the school are 33303
eligible under federal requirements for free breakfasts, and 33304
shall establish a lunch program pursuant to those acts if at 33305
least one-fifth of the pupils are eligible for free lunches. The 33306
governing authority required to establish a breakfast program 33307
under this division may make a charge in accordance with federal 33308
requirements for each reduced price breakfast or paid breakfast 33309
to cover the cost incurred in providing that meal. 33310

A breakfast program established under this section shall 33311
be operated in accordance with section 3313.818 of the Revised 33312
Code in any community school meeting the conditions prescribed 33313
by that section. 33314

(B) Subject to division (C) of this section, the governing 33315
authority of each community school shall establish one of the 33316
following for summer intervention services described in division 33317
(D) of section 3301.0711 or provided under section 3313.608 of 33318
the Revised Code, and any other summer intervention program 33319
required by law: 33320

(1) An extension of the school breakfast program pursuant 33321
to the "National School Lunch Act" and the "Child Nutrition Act 33322
of 1966"; 33323

(2) An extension of the school lunch program pursuant to 33324
those acts; 33325

(3) A summer food service program pursuant to those acts. 33326

(C) If the governing authority of a community school 33327
determines that, for financial reasons, it cannot comply with 33328
division (A) or (B) of this section, the governing authority may 33329
choose not to comply with either or both divisions. In that 33330
case, the governing authority shall communicate to the parents 33331
of its students, in the manner it determines appropriate, its 33332
decision not to comply. 33333

(D) The governing authority of each community school 33334
required to establish a school breakfast, school lunch, or 33335
summer food service program under this section shall apply for 33336
state and federal funds allocated by the ~~state board~~ department 33337
of education and workforce under division (B) of section 33338
3313.813 of the Revised Code and shall comply with the ~~state~~ 33339
~~board's~~ department's standards adopted under that division. 33340

(E) The governing authority of any community school 33341
required to establish a breakfast program under this section or 33342
that elects to participate in a breakfast program pursuant to 33343
the "National School Lunch Act" and the "Child Nutrition Act of 33344
1966" may offer breakfast to pupils in their classrooms during 33345
the school day. However, any community school that is subject to 33346
section 3313.818 of the Revised Code shall offer breakfast to 33347
pupils in accordance with that section. 33348

(F) Notwithstanding anything in this section to the 33349
contrary, in each fiscal year in which the general assembly 33350
appropriates funds for purposes of this division, the governing 33351
authority of each community school required to establish a 33352
breakfast program under this section or that elects to 33353
participate in a breakfast program pursuant to the "National 33354
School Lunch Act" and the "Child Nutrition Act of 1966" shall 33355

provide a breakfast free of charge to each pupil who is eligible 33356
under federal requirements for a reduced price breakfast. 33357

(G) This section does not apply to internet- or computer- 33358
based community schools. 33359

Sec. 3314.19. The sponsor of each community school shall 33360
provide the following assurances in writing to the department of 33361
education and workforce not later than ten business days prior 33362
to the opening of the school's first year of operation or, if 33363
the school is not an internet- or computer-based community 33364
school and it changes the building from which it operates, the 33365
opening of the first year it operates from the new building: 33366

(A) That a current copy of the contract between the 33367
sponsor and the governing authority of the school entered into 33368
under section 3314.03 of the Revised Code has been filed with 33369
the department and that any subsequent modifications to that 33370
contract will be filed with the department; 33371

(B) That the school has submitted to the sponsor a plan 33372
for providing special education and related services to students 33373
with disabilities and has demonstrated the capacity to provide 33374
those services in accordance with Chapter 3323. of the Revised 33375
Code and federal law; 33376

(C) That the school has a plan and procedures for 33377
administering the achievement and diagnostic assessments 33378
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 33379
the Revised Code; 33380

(D) That school personnel have the necessary training, 33381
knowledge, and resources to properly use and submit information 33382
to all databases maintained by the department for the collection 33383
of education data, including the education management 33384

information system established under section 3301.0714 of the Revised Code in accordance with methods and timelines established under section 3314.17 of the Revised Code;

(E) That all required information about the school has been submitted to the Ohio education directory system or any successor system;

(F) That the school will enroll at least the minimum number of students required by division (A) (11) (a) of section 3314.03 of the Revised Code in the school year for which the assurances are provided;

(G) That all classroom teachers are licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except for noncertificated persons engaged to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code;

(H) That the school's fiscal officer is in compliance with section 3314.011 of the Revised Code;

(I) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing authority members;

(J) That the school holds all of the following:

(1) Proof of property ownership or a lease for the facilities used by the school;

(2) A certificate of occupancy;

(3) Liability insurance for the school, as required by division (A) (11) (b) of section 3314.03 of the Revised Code, that the sponsor considers sufficient to indemnify the school's

facilities, staff, and governing authority against risk;	33413
(4) A satisfactory health and safety inspection;	33414
(5) A satisfactory fire inspection;	33415
(6) A valid food permit, if applicable.	33416
(K) That the sponsor has conducted a pre-opening site	33417
visit to the school for the school year for which the assurances	33418
are provided;	33419
(L) That the school has designated a date it will open for	33420
the school year for which the assurances are provided that is in	33421
compliance with division (A) (25) of section 3314.03 of the	33422
Revised Code;	33423
(M) That the school has met all of the sponsor's	33424
requirements for opening and any other requirements of the	33425
sponsor.	33426
(N) That, for any school that operates using the blended	33427
learning model, as defined in section 3301.079 of the Revised	33428
Code, the sponsor has reviewed the following information,	33429
submitted by the school:	33430
(1) An indication of what blended learning model or models	33431
will be used;	33432
(2) A description of how student instructional needs will	33433
be determined and documented;	33434
(3) The method to be used for determining competency,	33435
granting credit, and promoting students to a higher grade level;	33436
(4) The school's attendance requirements, including how	33437
the school will document participation in learning	33438
opportunities;	33439

(5) A statement describing how student progress will be monitored; 33440
33441

(6) A statement describing how private student data will be protected; 33442
33443

(7) A description of the professional development activities that will be offered to teachers. 33444
33445

Sec. 3314.191. Notwithstanding any provision to the contrary in the Revised Code, the department of education and workforce shall make no payment under section 3317.022 of the Revised Code to a community school opening for its first year of operation until the sponsor of that school confirms all of the following: 33446
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(A) The school is in compliance with the provisions described in divisions (A), (H), (I), and (J) (3) of section 3314.19 of the Revised Code. 33452
33453
33454

(B) The sponsor has approved the financial controls required by the comprehensive plan for the school under division (B) (5) of section 3314.03 of the Revised Code. 33455
33456
33457

(C) The school facilities will be ready and open for use by the date prescribed in the contract entered into under section 3314.03 of the Revised Code, and the sponsor has reviewed any lease, purchase agreement, permits required by statute or contract, and construction plans. 33458
33459
33460
33461
33462

(D) The chief administrator of the community school actively is managing daily operations at the school. 33463
33464

(E) The projected enrollment reported to the department is accurate. 33465
33466

Sec. 3314.20. (A) As used in this section: 33467

- (1) "Base enrollment" for an internet- or computer-based community school means either of the following: 33468
33469
- (a) If the school was open for instruction on ~~the~~ effective date of this section September 29, 2013, the number of students enrolled in the school at the end of the 2012-2013 school year; 33470
33471
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33473
- (b) If the school opens for instruction after ~~the~~ effective date of this section September 29, 2013, one thousand students. 33474
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- (2) "Enrollment limit" for an internet- or computer-based community school means the following: 33477
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- (a) For the 2014-2015 school year, the base enrollment increased by the prescribed annual rate of growth, as calculated by the department of education and workforce. 33479
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- (b) For the 2015-2016 school year and each school year thereafter, the previous school year's enrollment limit increased by the prescribed annual rate of growth, as calculated by the department. 33482
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- (3) "Prescribed annual rate of growth" for an internet- or computer-based community school means either of the following: 33486
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- (a) For a school with an enrollment limit equal to or greater than three thousand students, fifteen per cent. 33488
33489
- (b) For a school with an enrollment limit of less than three thousand students, twenty-five per cent. 33490
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- (B) Beginning in the 2014-2015 school year, no internet- or computer-based community school shall enroll more students than the number permitted by its enrollment limit. 33492
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(C) If, in any school year, an internet- or computer-based community school enrolls more students than permitted under the enrollment limit, the department shall deduct from the community school the amount of state funds credited to the community school attributable to each student enrolled in excess of the enrollment limit, as determined by the department.

Sec. 3314.21. (A) As used in this section:

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.

(B)(1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year.

(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code.

(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred twenty-five students enrolled in the internet- or

computer-based community school that has retained that teacher. 33524

(C) For any internet- or computer-based community school, 33525
the contract between the sponsor and the governing authority of 33526
the school described in section 3314.03 of the Revised Code 33527
shall specify each of the following: 33528

(1) A requirement that the school use a filtering device 33529
or install filtering software that protects against internet 33530
access to materials that are obscene or harmful to juveniles on 33531
each computer provided to students for instructional use. The 33532
school shall provide such device or software at no cost to any 33533
student who works primarily from the student's residence on a 33534
computer obtained from a source other than the school. 33535

(2) A plan for fulfilling the intent of the general 33536
assembly specified in division (B)(1) of this section. The plan 33537
shall indicate the number of times teachers will visit each 33538
student throughout the school year and the manner in which those 33539
visits will be conducted. 33540

(3) That the school will set up a central base of 33541
operation and the sponsor will maintain a representative within 33542
fifty miles of that base of operation to provide monitoring and 33543
assistance. 33544

(D) (1) Annually, each internet- or computer-based 33545
community school shall prepare and submit to the department of 33546
education and workforce, in a time and manner prescribed by the 33547
department, a report that contains information about all of the 33548
following: 33549

(a) Classroom size; 33550

(b) The ratio of teachers to students per classroom; 33551

(c) The number of student-teacher meetings conducted in person or by video conference; 33552
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(d) Any other information determined necessary by the department. 33554
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(2) The department annually shall prepare and ~~submit to~~ the state board of education issue a report that contains the information received under division (D) (1) of this section. 33556
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Sec. 3314.22. (A) (1) Each child enrolled in an internet- or computer-based community school is entitled to a computer supplied by the school; however, the parent of any child enrolled in the school may waive this entitlement in the manner specified in division (A) (3) of this section. In no case shall an internet- or computer-based community school provide a stipend or other substitute to an enrolled child or the child's parent in lieu of supplying a computer to the child. The prohibition contained in the preceding sentence is intended to clarify the meaning of this division as it existed prior to September 29, 2005, and is not intended to change that meaning in any way. 33559
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(2) Notwithstanding division (A) (1) of this section, if more than one child living in a single residence is enrolled in an internet- or computer-based community school, at the option of the parent of those children, the school may supply less than one computer per child, as long as at least one computer is supplied to the residence. An internet- or computer-based community school may supply no computer at all only if the parent has waived the entitlement prescribed in division (A) (1) of this section in the manner specified in division (A) (3) of this section. The parent may amend the decision to accept less than one computer per child anytime during the school year, and, 33571
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in such case, within thirty days after the parent notifies the school of such amendment, the school shall provide any additional computers requested by the parent up to the number necessary to comply with division (A) (1) of this section.

(3) The parent of any child enrolled in an internet- or computer-based community school may waive the entitlement to one computer per child, and have no computer at all supplied by the school, if the school and parent set forth that waiver in writing with both parties attesting that there is a computer available to the child in the child's residence with sufficient hardware, software, programming, and connectivity so that the child may fully participate in all of the learning opportunities offered to the child by the school. The parent may amend the decision to waive the entitlement at any time during the school year and, in such case, within thirty days after the parent notifies the school of that decision, the school shall provide any additional computers requested by the parent up to the number necessary to comply with division (A) (1) of this section, regardless of whether there is any change in the conditions attested to in the waiver.

(4) A copy of a waiver executed under division (A) (3) of this section shall be retained by the internet- or computer-based community school and the parent who attested to the conditions prescribed in that division. The school shall submit a copy of the waiver to the department of education and workforce immediately upon execution of the waiver.

(5) The school shall notify the ~~department of education,~~ in the manner specified by the department, of any parent's decision under division (A) (2) of this section to accept less than one computer per child or the parent's amendment to that

decision, and of any parent's decision to amend the waiver 33612
executed under division (A) (3) of this section. 33613

(B) Each internet- or computer-based community school 33614
shall provide to each parent who is considering enrolling the 33615
parent's child in the school and to the parent of each child 33616
already enrolled in the school a written notice of the 33617
provisions prescribed in division (A) of this section. 33618

(C) If a community school that is not an internet- or 33619
computer-based community school provides any of its enrolled 33620
students with nonclassroom-based learning opportunities provided 33621
via an internet- or other computer-based instructional method 33622
and requires such students to participate in any of those 33623
learning opportunities from their residences, the school shall 33624
be subject to this section and division (C) (1) of section 33625
3314.21 of the Revised Code relative to each such student in the 33626
same manner as an internet- or computer-based community school, 33627
unless both of the following conditions apply to the student: 33628

(1) The nonclassroom-based learning opportunities in which 33629
the student is required to participate from the student's 33630
residence are supplemental in nature or do not constitute a 33631
significant portion of the total classroom-based and 33632
nonclassroom-based learning opportunities provided to the 33633
student by the school; 33634

(2) The student's residence is equipped with a computer 33635
available for the student's use. 33636

Sec. 3314.232. The ~~superintendent of public instruction~~ 33637
department of education and workforce shall establish by rule 33638
adopted in accordance with Chapter 119. of the Revised Code 33639
standards for learning management software to be used by 33640

internet- and computer-based community schools. 33641

Sec. 3314.24. (A) On or after July 1, 2004, no internet- 33642
or computer-based community school shall enter into a contract 33643
with a nonpublic school to use or rent any facility space at the 33644
nonpublic school for the provision of instructional services to 33645
students enrolled in the internet- or computer-based community 33646
school. 33647

(B) If an internet- or computer-based community school has 33648
a contract with a nonpublic school as described in division (A) 33649
of this section, the department of education and workforce shall 33650
not make any payments under section 3317.022 of the Revised Code 33651
to the internet- or computer-based community school for any 33652
student who is enrolled in the internet- or computer-based 33653
community school and receives any instructional services from 33654
the internet- or computer-based community school at the 33655
nonpublic school. 33656

Sec. 3314.26. (A) Each internet- or computer-based 33657
community school shall withdraw from the school any student who, 33658
for two consecutive school years of enrollment in the school, 33659
has failed to participate in the spring administration of any 33660
assessment prescribed under section 3301.0710 or 3301.0712 of 33661
the Revised Code for the student's grade level and was not 33662
excused from the assessment pursuant to division (C)(1) or (3) 33663
of section 3301.0711 of the Revised Code, regardless of whether 33664
a waiver was granted for the student under division (L)(3) of 33665
section 3314.08 of the Revised Code. The school shall report any 33666
such student's data verification code, as assigned pursuant to 33667
section 3301.0714 of the Revised Code, to the department of 33668
education and workforce. The department shall maintain a list of 33669
all data verification codes reported under this division and 33670

section 3313.6410 of the Revised Code and provide that list to 33671
each internet- or computer-based community school and to each 33672
school to which section 3313.6410 of the Revised Code applies. 33673

(B) No internet- or computer-based community school shall 33674
receive any state funds under this chapter for any enrolled 33675
student whose data verification code appears on the list 33676
maintained by the department under division (A) of this section. 33677

Notwithstanding any provision of the Revised Code to the 33678
contrary, the parent of any such student shall pay tuition to 33679
the internet- or computer-based community school in an amount 33680
equal to the state funds the school otherwise would receive for 33681
that student, as determined by the department. An internet- or 33682
computer-based community school may withdraw any student for 33683
whom the parent does not pay tuition as required by this 33684
division. 33685

Sec. 3314.27. No student enrolled in an internet- or 33686
computer-based community school may participate in more than ten 33687
hours of learning opportunities in any period of twenty-four 33688
consecutive hours. Any time such a student participates in 33689
learning opportunities beyond the limit prescribed in this 33690
section shall not count toward the annual minimum number of 33691
hours required to be provided to that student as prescribed in 33692
division (A)(11)(a) of section 3314.03 of the Revised Code. If 33693
any internet- or computer-based community school requires its 33694
students to participate in learning opportunities on the basis 33695
of days rather than hours, one day shall consist of a minimum of 33696
five hours of such participation. 33697

Each internet- or computer-based community school shall 33698
keep an accurate record of each individual student's 33699
participation in learning opportunities each day. The record 33700

shall be kept in such a manner that the information contained 33701
within it easily can be submitted to the department of education 33702
and workforce, upon request by the department or the auditor of 33703
state. 33704

Sec. 3314.271. (A) Each internet- or computer-based 33705
community school shall offer a student orientation course and 33706
shall notify each student who enrolls in that school of that 33707
student's opportunity to participate in the student orientation 33708
course. 33709

(B) The department of education and workforce shall 33710
provide guidance to internet- or computer-based community 33711
schools for developing and delivering the orientation course. 33712

(C) Each internet- or computer-based community school may, 33713
at the time of a particular student's enrollment in that school, 33714
ask the student's parent or guardian to estimate the length of 33715
time the student will attend the school. Any information 33716
collected pursuant to this division shall be included in an 33717
aggregated format in the school's annual report required by 33718
division (A) (11) (g) of section 3314.03 of the Revised Code. 33719

(D) Each internet- or computer-based community school, on 33720
a periodic basis throughout each school year, shall communicate 33721
with each student's parent, guardian, or custodian regarding the 33722
performance and progress of that student. Each internet- or 33723
computer-based community school also shall provide opportunities 33724
for parent-teacher conferences, shall document the school's 33725
requests for such conferences, and may permit students to 33726
participate in the conferences. Parent-teacher conferences may 33727
be conducted through electronic means. 33728

Sec. 3314.28. (A) Each internet- or computer-based 33729

community school established under this chapter shall submit to 33730
the school's sponsor a plan for providing special education and 33731
related services to disabled students enrolled in the school in 33732
accordance with division (A) (1) or (2) of this section. 33733

(1) If the school was established prior to ~~the effective-~~ 33734
~~date of this section~~ June 30, 2005, the plan shall be submitted 33735
to the sponsor on or before September 1, 2005, and on or before 33736
the first day of September in each year thereafter that the 33737
school is in operation. 33738

(2) If the school is established after ~~the effective date-~~ 33739
~~of this section~~ June 30, 2005, the plan shall be submitted to 33740
the sponsor prior to the school's receipt of its first payment 33741
under this chapter and on or before the first day of September 33742
in each year thereafter that the school is in operation. 33743

(B) Within thirty days after receiving the plan prescribed 33744
in division (A) of this section, the sponsor of each internet- 33745
or computer-based community school shall certify all of the 33746
following to the department of education and workforce: 33747

(1) A statement of whether the plan received is 33748
satisfactory to the sponsor; 33749

(2) If the plan received is not satisfactory to the 33750
sponsor, the sponsor's assurance that it will promptly assist 33751
the school in developing a plan that is satisfactory to the 33752
sponsor; 33753

(3) The sponsor's assurance that it will monitor the 33754
implementation of the plan; 33755

(4) The sponsor's assurance that it will take any 33756
necessary corrective action to ensure that the school's plan is 33757
properly and fully implemented. 33758

(C) The department shall develop guidelines for the 33759
content and format of the plan required under this section. 33760

Sec. 3314.29. (A) This section applies to any internet- or 33761
computer-based community school that meets all of the following 33762
conditions: 33763

(1) Serves all of grades kindergarten through twelve; 33764

(2) Has an enrollment of at least two thousand students; 33765

(3) Has a sponsor that was not rated ineffective or poor 33766
on its most recent evaluation under section 3314.016 of the 33767
Revised Code. 33768

(B) Beginning with the 2018-2019 school year, the 33769
governing authority of a community school to which this section 33770
applies may adopt a resolution to divide the school into two or 33771
three separate schools as follows: 33772

(1) If the school is divided into two schools, one school 33773
shall serve grades kindergarten through eight and one school 33774
shall serve grades nine through twelve. 33775

(2) If the school is divided into three schools, one 33776
school shall serve grades kindergarten through five, one school 33777
shall serve grades six through eight, and one school shall serve 33778
grades nine through twelve. 33779

(C) The resolution adopted by the governing authority 33780
shall not be effective unless approved by the school's sponsor. 33781
Following approval of the resolution by the sponsor, and by the 33782
fifteenth day of March prior to the school year in which it will 33783
take effect, the governing authority shall file the resolution 33784
with the department of education and workforce. The division of 33785
the schools shall be effective on the first day of July 33786

succeeding the date the resolution is filed with the department. 33787

(D) All of the following shall apply to each new school 33788
created as a result of the resolution authorized by this section 33789
and to the school that is divided as a result of the resolution: 33790

(1) Each school shall have the same governing authority. 33791

(2) The sponsor and governing authority shall enter into a 33792
separate contract under section 3314.03 of the Revised Code for 33793
each school. 33794

(3) No school shall primarily serve students enrolled in a 33795
dropout prevention and recovery program operated by the school. 33796

(4) No school shall be permitted to divide again under 33797
this section. 33798

(5) Notwithstanding anything to the contrary in division 33799
(B) (2) of section 3314.016 of the Revised Code, each school 33800
shall be included in the calculation of the academic performance 33801
component for purposes of rating the schools' sponsor under the 33802
evaluation system prescribed by that section. 33803

(6) Each school shall be subject to the laws contained in 33804
Chapter 3314. of the Revised Code, except as otherwise specified 33805
in this section. 33806

(E) The department shall issue a report card under section 33807
3314.012 of the Revised Code for each new school created as a 33808
result of the resolution authorized by this section and for the 33809
school that is divided as a result of the resolution. For 33810
purposes of the report cards and other reporting requirements 33811
under this chapter, the department shall assign the school that 33812
serves the highest grades the same internal retrieval number 33813
previously used by the school that is divided under this 33814

section. The department shall assign a new internal retrieval 33815
number to each other school resulting from the division. 33816

Notwithstanding division (B) of section 3314.012 of the 33817
Revised Code, the ratings a school receives on its report card 33818
for the first two full school years after the division under 33819
this section shall count toward closure of the school under 33820
section 3314.35 of the Revised Code and any other matter that is 33821
based on report card ratings or measures. 33822

Sec. 3314.35. (A) (1) Except as provided in division (A) (4) 33823
of this section, this section applies to any community school 33824
that meets one of the following criteria after July 1, 2009, but 33825
before July 1, 2011: 33826

(a) The school does not offer a grade level higher than 33827
three and has been declared to be in a state of academic 33828
emergency under section 3302.03 of the Revised Code for three of 33829
the four most recent school years. 33830

(b) The school satisfies all of the following conditions: 33831

(i) The school offers any of grade levels four to eight 33832
but does not offer a grade level higher than nine. 33833

(ii) The school has been declared to be in a state of 33834
academic emergency under section 3302.03 of the Revised Code for 33835
two of the three most recent school years. 33836

(iii) In at least two of the three most recent school 33837
years, the school showed less than one standard year of academic 33838
growth in either reading or mathematics, as determined by the 33839
department of education and workforce in accordance with rules 33840
adopted under division (A) of section 3302.021 of the Revised 33841
Code. 33842

(c) The school offers any of grade levels ten to twelve 33843
and has been declared to be in a state of academic emergency 33844
under section 3302.03 of the Revised Code for three of the four 33845
most recent school years. 33846

(2) Except as provided in division (A) (4) of this section, 33847
this section applies to any community school that meets one of 33848
the following criteria after July 1, 2011, but before July 1, 33849
2013: 33850

(a) The school does not offer a grade level higher than 33851
three and has been declared to be in a state of academic 33852
emergency under section 3302.03 of the Revised Code for two of 33853
the three most recent school years. 33854

(b) The school satisfies all of the following conditions: 33855

(i) The school offers any of grade levels four to eight 33856
but does not offer a grade level higher than nine. 33857

(ii) The school has been declared to be in a state of 33858
academic emergency under section 3302.03 of the Revised Code for 33859
two of the three most recent school years. 33860

(iii) In at least two of the three most recent school 33861
years, the school showed less than one standard year of academic 33862
growth in either reading or mathematics, as determined by the 33863
department in accordance with rules adopted under division (A) 33864
of section 3302.021 of the Revised Code. 33865

(c) The school offers any of grade levels ten to twelve 33866
and has been declared to be in a state of academic emergency 33867
under section 3302.03 of the Revised Code for two of the three 33868
most recent school years. 33869

(3) Except as provided in division (A) (4) of this section, 33870

this section applies to any community school that meets one of 33871
the following criteria on or after July 1, 2013: 33872

(a) The school does not offer a grade level higher than 33873
three and, for the three most recent school years, satisfies any 33874
of the following criteria: 33875

(i) The school has been declared to be in a state of 33876
academic emergency under section 3302.03 of the Revised Code, as 33877
it existed prior to March 22, 2013; 33878

(ii) The school has received a grade of "F" in improving 33879
literacy in grades kindergarten through three under division (B) 33880
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 33881

(iii) The school has received a performance rating of one 33882
star for early literacy under division (D) (3) (e) of section 33883
3302.03 of the Revised Code; 33884

(iv) The school has received an overall performance rating 33885
of less than two stars under division (D) (3) of section 3302.03 33886
of the Revised Code; 33887

(v) The school has received an overall grade of "F" under 33888
division (C) of section 3302.03 of the Revised Code. 33889

(b) The school offers any of grade levels four to eight 33890
but does not offer a grade level higher than nine and, for the 33891
three most recent school years, satisfies any of the following 33892
criteria: 33893

(i) The school has been declared to be in a state of 33894
academic emergency under section 3302.03 of the Revised Code, as 33895
it existed prior to March 22, 2013, and the school showed less 33896
than one standard year of academic growth in either reading or 33897
mathematics, as determined by the department in accordance with 33898

rules adopted under division (A) of section 3302.021 of the Revised Code; 33899
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(ii) The school has received a grade of "F" for the performance index score under division (A) (1) (b), (B) (1) (b), or (C) (1) (b) and a grade of "F" for the value-added progress dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 33901
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(iii) The school has received a performance rating of one star for both achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section; 33906
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(iv) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code; 33910
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(v) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (3) (c) of that section. 33914
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(c) The school offers any of grade levels ten to twelve and, for the three most recent school years, satisfies any of the following criteria: 33918
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(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013; 33921
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(ii) The school has received a grade of "F" for the performance index score under division (A) (1) (b), (B) (1) (b), or (C) (1) (b) and has not met annual measurable objectives under division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 33924
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of the Revised Code; 33928

(iii) The school has received a performance rating of "one star" for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and has not met annual measurable objectives for gap closing under division (D) (3) (a) of that section, as determined by the department; 33929
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(iv) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code; 33934
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(v) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (1) (b) of that section. 33938
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For purposes of division (A) (3) of this section only, the department ~~of education~~ shall calculate the value-added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years but using value-added data from only the most recent school year. 33942
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(4) This section does not apply to either of the following: 33949
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(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a 33951
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dropout prevention and recovery program shall be exempt from 33957
this section only if it has been granted a waiver under section 33958
3314.36 of the Revised Code. 33959

(b) Any community school in which a majority of the 33960
enrolled students are children with disabilities receiving 33961
special education and related services in accordance with 33962
Chapter 3323. of the Revised Code. 33963

(B) Any community school to which this section applies 33964
shall permanently close at the conclusion of the school year in 33965
which the school first becomes subject to this section. The 33966
sponsor and governing authority of the school shall comply with 33967
all procedures for closing a community school adopted by the 33968
department under division (E) of section 3314.015 of the Revised 33969
Code. The governing authority of the school shall not enter into 33970
a contract with any other sponsor under section 3314.03 of the 33971
Revised Code after the school closes. 33972

(C) In accordance with division (B) of section 3314.012 of 33973
the Revised Code, the department shall not consider the 33974
performance ratings assigned to a community school for its first 33975
two years of operation when determining whether the school meets 33976
the criteria prescribed by division (A) (1) or (2) of this 33977
section. 33978

(D) Nothing in this section or in any other provision of 33979
the Revised Code prohibits the sponsor of a community school 33980
from exercising its option not to renew a contract for any 33981
reason or from terminating a contract prior to its expiration 33982
for any of the reasons set forth in section 3314.07 of the 33983
Revised Code. 33984

Sec. 3314.351. (A) This section applies to any community 33985

school in which a majority of the students are enrolled in a 33986
dropout prevention and recovery program. Except as provided in 33987
division (F) of this section, any such community school that has 33988
received a designation of "does not meet standards," as 33989
described in division (D)(1) of section 3314.017 of the Revised 33990
Code on the report card issued under that section, for the three 33991
most recent school years shall be subject to closure in 33992
accordance with this section. 33993

(B) Not later than the first day of September in each 33994
school year, the department of education and workforce shall 33995
notify each school subject to closure under this section that 33996
the school must close not later than the thirtieth day of the 33997
following June. 33998

A school so notified shall close as required. 33999

(C) A school that opens on or after July 1, 2014, shall 34000
not be subject to closure under this section for its first two 34001
years of operation. A school that is in operation prior to July 34002
1, 2014, shall not be subject to closure under this section 34003
until after August 31, 2016. 34004

(D) The sponsor and governing authority of the school 34005
shall comply with all procedures for closing a community school 34006
adopted by the department under division (E) of section 3314.015 34007
of the Revised Code. The governing authority of the school shall 34008
not enter into a contract with any other sponsor under section 34009
3314.03 of the Revised Code after the school closes. 34010

(E) Nothing in this section or in any other provision of 34011
the Revised Code prohibits the sponsor of a community school 34012
from exercising its option not to renew a contract for any 34013
reason or from terminating a contract prior to its expiration 34014

for any of the reasons set forth in section 3314.07 of the Revised Code. 34015
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(F) Beginning in the 2019-2020 school year, no school shall be subject to closure under this section based on the report card issued for that school for the 2017-2018 or 2018-2019 school year if the school received an overall rating of "meets standards" or "exceeds standards" for the 2017-2018 or 2018-2019 school year pursuant to division (I) of section 3314.017 of the Revised Code. However, no school permanently closed under this section prior to the 2019-2020 school year shall be eligible to reopen based on the calculated or recalculated ratings under division (I) of section 3314.017 of the Revised Code. 34017
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Sec. 3314.353. Each year, the department of education and workforce shall publish separate lists of the following: 34028
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(A) Community schools that have become subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code; 34030
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(B) Community schools that are at risk of becoming subject to permanent closure under section 3314.35 or 3314.351 of the Revised Code if their academic performance, as prescribed in those sections, does not improve on the next state report cards issued under section 3302.03 or 3314.017 of the Revised Code. 34033
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~~On and after the effective date of this amendment, the~~ The department of education and workforce shall not adopt any rules, enforce any procedures or policies, or otherwise restrict the establishment or sponsorship of a new start-up community school based upon whether the school's proposed location is in a challenged school district. 34038
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Sec. 3314.354. Not later than the thirty-first day of July 34044
of each year, the department of education and workforce shall 34045
submit preliminary data on community schools at risk of becoming 34046
subject to permanent closure under section 3314.35 or 3314.351 34047
of the Revised Code. 34048

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 34049
not apply to any community school in which a majority of the 34050
students are enrolled in a dropout prevention and recovery 34051
program that is operated by the school and that has been granted 34052
a waiver by the former department of education prior to July 1, 34053
2014. ~~Until June 30, 2014, the department shall grant a waiver~~ 34054
~~to a dropout prevention and recovery program, within sixty days~~ 34055
~~after the program applies for the waiver, if the program meets~~ 34056
~~all of the following conditions:~~ 34057

~~(1) The program serves only students not younger than~~ 34058
~~sixteen years of age and not older than twenty one years of age.~~ 34059

~~(2) The program enrolls students who, at the time of their~~ 34060
~~initial enrollment, either, or both, are at least one grade~~ 34061
~~level behind their cohort age groups or experience crises that~~ 34062
~~significantly interfere with their academic progress such that~~ 34063
~~they are prevented from continuing their traditional programs.~~ 34064

~~(3) The program requires students to attain at least the~~ 34065
~~applicable score designated for each of the assessments~~ 34066
~~prescribed under division (B) (1) of section 3301.0710 of the~~ 34067
~~Revised Code or, to the extent prescribed by rule of the state~~ 34068
~~board of education under division (D) (5) of section 3301.0712 of~~ 34069
~~the Revised Code, division (B) (2) of that section.~~ 34070

~~(4) The program develops an individual career plan for the~~ 34071
~~student that specifies the student's matriculating to a two-year~~ 34072

~~degree program, acquiring a business and industry credential, or
entering an apprenticeship.~~ 34073
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~~(5) The program provides counseling and support for the
student related to the plan developed under division (A) (4) of
this section during the remainder of the student's high school
experience.~~ 34075
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~~(6) Prior to receiving the waiver, the program has
submitted to the department an instructional plan that
demonstrates how the academic content standards adopted by the
state board of education under section 3301.079 of the Revised
Code will be taught and assessed.~~ 34079
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~~If the department does not act either to grant the waiver
or to reject the program application for the waiver within sixty
days as required under this section, the waiver shall be
considered to be granted.~~ 34084
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~~(B) Notwithstanding division (A) of this section, the
department shall not grant a waiver to any community school that
did not qualify for a waiver under this section when it
initially began operations, unless the state board of education
approves the waiver.~~ 34088
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~~(C) Beginning on July 1, 2014, all All community schools
in which a majority of the students are enrolled in a dropout
prevention and recovery program are subject to the provisions of
section 3314.351 of the Revised Code, regardless of whether a
waiver has been granted under this section prior to July 1,
2014. Thereafter, no waivers shall be granted under this
section.~~ 34093
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Sec. 3314.38. (A) An individual who is at least twenty-two 34100
years of age and who is an eligible individual as defined in 34101

section 3317.23 of the Revised Code may enroll for up to two 34102
consecutive school years in a dropout prevention and recovery 34103
program operated by a community school that is designed to allow 34104
enrollees to earn a high school diploma. An individual enrolled 34105
under this division may elect to satisfy the requirements to 34106
earn a high school diploma by successfully completing a 34107
competency-based educational program, as defined in section 34108
3317.23 of the Revised Code, that complies with the standards 34109
adopted by the department of education and workforce under 34110
section 3317.231 of the Revised Code. The community school shall 34111
report that individual's enrollment on a full-time equivalency 34112
basis to the department. This report shall be in addition to the 34113
report required under division (B) of section 3314.08 of the 34114
Revised Code. An individual enrolled under this division shall 34115
not be assigned to classes or settings with students who are 34116
younger than eighteen years of age. 34117

(B) (1) For each community school that enrolls individuals 34118
under division (A) of this section, the department annually 34119
shall certify the enrollment and attendance, on a full-time 34120
equivalency basis, of each individual reported by the school 34121
under that division. 34122

(2) For each individual enrolled in a community school 34123
under division (A) of this section, the department annually 34124
shall pay the community school up to \$5,000, as determined by 34125
the department based on the extent of the individual's 34126
successful completion of the graduation requirements prescribed 34127
under division (A) (11) (f) of section 3314.03 of the Revised 34128
Code. 34129

(C) A community school that enrolls individuals under 34130
division (A) of this section shall be subject to the program 34131

administration standards adopted by the department under section 34132
3317.231 of the Revised Code, as applicable. 34133

Sec. 3314.50. No community school shall initiate 34134
operation, on or after the effective date of this amendment, 34135
unless the governing authority of the school has posted a bond 34136
in the amount of fifty thousand dollars with the auditor of 34137
state. The bond shall be used, in the event the school closes, 34138
to pay the auditor of state any moneys owed or that become owed 34139
by the school for the costs of audits conducted by the auditor 34140
of state or a public accountant under Chapter 117. of the 34141
Revised Code. 34142

The department of education and workforce shall notify the 34143
auditor of state of the proposed initiation of operations of any 34144
community school and shall provide the auditor of state with the 34145
certification of the sponsor of the community school of the 34146
compliance by the community school with all legal preconditions 34147
to the initiation of its operations, including compliance with 34148
this section. 34149

In lieu of the bond, the governing authority of the 34150
school, the school's sponsor, or an operator that has a contract 34151
with the school may deposit with the auditor of state cash in 34152
the amount of fifty thousand dollars as guarantee of payment 34153
under the provisions of this section. In lieu of a bond or a 34154
cash deposit, the school's sponsor or an operator that has a 34155
contract with the school may provide a written guarantee of 34156
payment, which shall obligate the school's sponsor or the 34157
operator that provides the written guarantee to pay the cost of 34158
audits of the school under this section up to the amount of 34159
fifty thousand dollars. Any such written guarantee shall be 34160
binding upon any successor entity that enters into a contract to 34161

sponsor or to operate the school, and any such entity, as a 34162
condition of its undertaking shall acknowledge and accept such 34163
obligation. 34164

In the event that a sponsor or operator has provided a 34165
written guarantee under this section, and, subsequent to the 34166
provision of the guarantee, the governing authority of the 34167
school posts a bond under this section, or the governing 34168
authority of the school, a sponsor, or an operator provides a 34169
cash deposit of fifty thousand dollars as required, the written 34170
guarantee shall cease to be of further effect. 34171

As soon as it is practicable to do so after the filing of 34172
a bond or the deposit of cash, the auditor of state shall 34173
deliver the bond or cash to the treasurer of state, who shall 34174
hold it in trust for the purposes prescribed in this section. 34175
The treasurer of state shall be responsible for the safekeeping 34176
of all bonds filed or cash deposited under this section. The 34177
auditor of state shall notify the ~~department of education~~ when 34178
the school's governing authority has filed the bond, deposited 34179
the cash guarantee, or submitted a written guarantee of payment. 34180

When the auditor of state conducts an audit of a community 34181
school that has closed and is subject to the requirements of 34182
this section, the auditor of state shall certify the amount of 34183
forfeiture to the treasurer of state, who shall assess the bond 34184
for the costs of the audit or shall pay money from the named 34185
insurer or from the school's cash deposit for the costs of the 34186
audit to reimburse the auditor of state or public accountant for 34187
costs incurred in conducting audits of the school. 34188

To the extent that the amount of the bond or the cash 34189
deposit is not needed to cover audit costs, the bond shall be of 34190
no further effect, and any cash balance shall be refunded by the 34191

treasurer of state to the entity which provided the bond. When 34192
the auditor of state conducts an audit of a community school 34193
that has closed and is subject to the requirements of this 34194
section, and, as to which, a written guarantee has been given 34195
under this section, the entity that provided the guarantee shall 34196
be solely and fully liable for any such audit costs, and shall 34197
promptly pay the costs of the audit up to fifty thousand 34198
dollars. 34199

No community school that is subject to the provisions of 34200
this section shall maintain or continue its operations absent 34201
the ongoing provision of a bond, a cash deposit, or a written 34202
guarantee as required by this section. 34203

Sec. 3314.51. (A) If the auditor of state or a public 34204
accountant, under section 117.41 of the Revised Code, declares a 34205
community school to be unauditabile, the auditor of state shall 34206
provide written notification of that declaration to the school, 34207
the school's sponsor, and the department of education and 34208
workforce. The auditor of state also shall post the notification 34209
on the auditor of state's web site. 34210

(B) If the community school's current fiscal officer held 34211
that position during the period for which the school is 34212
unauditabile, upon receipt of the notification under division (A) 34213
of this section, the governing authority of the school shall 34214
suspend the fiscal officer until the auditor of state or a 34215
public accountant has completed an audit of the school, except 34216
that if the school has an operator and the operator employs the 34217
fiscal officer, the operator shall suspend the fiscal officer 34218
for that period. Suspension of the fiscal officer may be with or 34219
without pay, as determined by the entity imposing the suspension 34220
based on the circumstances that prompted the auditor of state's 34221

declaration. The entity imposing the suspension shall appoint a 34222
person to assume the duties of the fiscal officer during the 34223
period of the suspension. If the appointee is not licensed as a 34224
treasurer under section 3301.074 of the Revised Code, the 34225
appointee shall be approved by the ~~superintendent of public~~ 34226
~~instruction~~ director of education and workforce before assuming 34227
the duties of the fiscal officer. The state board of education 34228
may take action under section 3319.31 of the Revised Code to 34229
suspend, revoke, or limit the license of a fiscal officer who 34230
has been suspended under this division. 34231

(C) Notwithstanding any provision to the contrary in this 34232
chapter or in any other provision of law, the sponsor of the 34233
community school shall not enter into contracts with any 34234
additional community schools under section 3314.03 of the 34235
Revised Code between ninety days after the date of the 34236
declaration under division (A) of this section and the date the 34237
auditor of state or a public accountant has completed a 34238
financial audit of the school. 34239

(D) Not later than forty-five days after receiving the 34240
notification under division (A) of this section, the sponsor of 34241
the community school shall provide a written response to the 34242
auditor of state. The sponsor shall provide a copy of the 34243
response to the community school. The response shall include the 34244
following: 34245

(1) An overview of the process the sponsor will use to 34246
review and understand the circumstances that led to the 34247
community school becoming unauditabile; 34248

(2) A plan for providing the auditor of state with the 34249
documentation necessary to complete an audit of the community 34250
school and for ensuring that all financial documents are 34251

available in the future; 34252

(3) The actions the sponsor will take to ensure that the 34253
plan described in division (D) (2) of this section is 34254
implemented. 34255

(E) If the community school fails to make reasonable 34256
efforts and continuing progress to bring its accounts, records, 34257
files, or reports into an auditable condition within ninety days 34258
after being declared unauditable, the auditor of state, in 34259
addition to requesting legal action under sections 117.41 and 34260
117.42 of the Revised Code, shall notify the school's sponsor 34261
and the department of the school's failure. If the auditor of 34262
state or a public accountant subsequently is able to complete a 34263
financial audit of the school, the auditor of state shall notify 34264
the school's sponsor and the department that the audit has been 34265
completed. 34266

(F) Notwithstanding any provision to the contrary in this 34267
chapter or in any other provision of law, upon notification by 34268
the auditor of state under division (E) of this section that the 34269
community school has failed to make reasonable efforts and 34270
continuing progress to bring its accounts, records, files, or 34271
reports into an auditable condition, the department shall 34272
immediately cease all payments to the school under this chapter 34273
and any other provision of law. Upon subsequent notification 34274
from the auditor of state under that division that the auditor 34275
of state or a public accountant was able to complete a financial 34276
audit of the community school, the department shall release all 34277
funds withheld from the school under this section. 34278

Sec. 3315.18. (A) The board of education of each city, 34279
exempted village, local, and joint vocational school district 34280
shall establish a capital and maintenance fund. Each board 34281

annually shall deposit into that fund an amount derived from 34282
revenues received by the district that would otherwise have been 34283
deposited in the general fund that is equal to three per cent of 34284
the statewide average base cost per pupil for the preceding 34285
fiscal year, as defined in section 3317.02 of the Revised Code, 34286
or another percentage if established by the auditor of state 34287
under division (B) of this section, multiplied by the district's 34288
student population for the preceding fiscal year, except that 34289
money received from a permanent improvement levy authorized by 34290
section 5705.21 of the Revised Code may replace general revenue 34291
moneys in meeting the requirements of this section. Money in the 34292
fund shall be used solely for acquisition, replacement, 34293
enhancement, maintenance, or repair of permanent improvements, 34294
as that term is defined in section 5705.01 of the Revised Code. 34295
Any money in the fund that is not used in any fiscal year shall 34296
carry forward to the next fiscal year. 34297

(B) ~~The state superintendent of public instruction~~ 34298
director of education and workforce and the auditor of state 34299
jointly shall adopt rules in accordance with Chapter 119. of the 34300
Revised Code defining what constitutes expenditures permitted by 34301
division (A) of this section. The auditor of state may designate 34302
a percentage, other than three per cent, of the statewide 34303
average base cost per pupil multiplied by the district's student 34304
population that must be deposited into the fund. 34305

(C) Within its capital and maintenance fund, a school 34306
district board of education may establish a separate account 34307
solely for the purpose of depositing funds transferred from the 34308
district's reserve balance account established under former 34309
division (H) of section 5705.29 of the Revised Code. After April 34310
10, 2001, a board may deposit all or part of the funds formerly 34311
included in such reserve balance account in the separate account 34312

established under this section. Funds deposited in this separate 34313
account and interest on such funds shall be utilized solely for 34314
the purpose of providing the district's portion of the basic 34315
project costs of any project undertaken in accordance with 34316
Chapter 3318. of the Revised Code. 34317

(D) (1) Notwithstanding division (A) of this section, in 34318
any year a district is in fiscal emergency status as declared 34319
pursuant to section 3316.03 of the Revised Code, the district 34320
may deposit an amount less than required by division (A) of this 34321
section, or make no deposit, into the district capital and 34322
maintenance fund for that year. 34323

(2) Notwithstanding division (A) of this section, in any 34324
fiscal year that a school district is either in fiscal watch 34325
status, as declared pursuant to section 3316.03 of the Revised 34326
Code, or in fiscal caution status, as declared pursuant to 34327
section 3316.031 of the Revised Code, the district may apply to 34328
the ~~superintendent of public instruction~~ director of education 34329
and workforce for a waiver from the requirements of division (A) 34330
of this section, under which the district may be permitted to 34331
deposit an amount less than required by that division or 34332
permitted to make no deposit into the district capital and 34333
maintenance fund for that year. The ~~superintendent~~ director may 34334
grant a waiver under division (D) (2) of this section if the 34335
district demonstrates to the satisfaction of the ~~superintendent~~ 34336
director that compliance with division (A) of this section that 34337
year will create an undue financial hardship on the district. 34338

(3) Notwithstanding division (A) of this section, not more 34339
often than one fiscal year in every three consecutive fiscal 34340
years, any school district that does not satisfy the conditions 34341
for the exemption described in division (D) (1) of this section 34342

or the conditions to apply for the waiver described in division 34343
(D) (2) of this section may apply to the ~~superintendent of public~~ 34344
~~instruction director~~ for a waiver from the requirements of 34345
division (A) of this section, under which the district may be 34346
permitted to deposit an amount less than required by that 34347
division or permitted to make no deposit into the district 34348
capital and maintenance fund for that year. The ~~superintendent-~~ 34349
~~director~~ may grant a waiver under division (D) (3) of this 34350
section if the district demonstrates to the satisfaction of the 34351
~~superintendent director~~ that compliance with division (A) of 34352
this section that year will necessitate the reduction or 34353
elimination of a program currently offered by the district that 34354
is critical to the academic success of students of the district 34355
and that no reasonable alternatives exist for spending 34356
reductions in other areas of operation within the district that 34357
negate the necessity of the reduction or elimination of that 34358
program. 34359

(E) Notwithstanding any provision to the contrary in 34360
Chapter 4117. of the Revised Code, the requirements of this 34361
section prevail over any conflicting provisions of agreements 34362
between employee organizations and public employers entered into 34363
after November 21, 1997. 34364

(F) As used in this section, "student population" means 34365
the average, daily, full-time equivalent number of students in 34366
kindergarten through twelfth grade receiving any educational 34367
services from the school district during the first full school 34368
week in October, excluding students enrolled in adult education 34369
classes, but including all of the following: 34370

(1) Adjacent or other district students enrolled in the 34371
district under an open enrollment policy pursuant to section 34372

3313.98 of the Revised Code; 34373

(2) Students receiving services in the district pursuant 34374
to a compact, cooperative education agreement, or a contract, 34375
but who are entitled to attend school in another district 34376
pursuant to section 3313.64 or 3313.65 of the Revised Code; 34377

(3) Students for whom tuition is payable pursuant to 34378
sections 3317.081 and 3323.141 of the Revised Code. 34379

The department of education and workforce shall determine 34380
a district's student population using data reported to it under 34381
section 3317.03 of the Revised Code for the applicable fiscal 34382
year. 34383

Sec. 3315.181. As used in this section, "securities" has 34384
the same meaning as in section 133.01 of the Revised Code. 34385

Notwithstanding division (A) of section 3315.18 of the 34386
Revised Code, the board of education of a city, exempted 34387
village, local, or joint vocational school district, in meeting 34388
the amount required by that division to be deposited in the 34389
district's capital and maintenance fund, may replace general 34390
fund revenues with proceeds received from a permanent 34391
improvement levy authorized by section 5705.21 of the Revised 34392
Code only to the extent the proceeds are available to be used 34393
for the acquisition, replacement, enhancement, maintenance, or 34394
repair of permanent improvements as defined in section 5705.01 34395
of the Revised Code. In addition, the board may replace general 34396
fund revenues with proceeds received from any of the following 34397
sources in meeting the amount required by that division to be 34398
deposited in the fund: 34399

(A) Proceeds received from any securities whose use is 34400
limited to the acquisition, replacement, enhancement, 34401

maintenance, or repair of permanent improvements;	34402
(B) Insurance proceeds received as a result of the damage	34403
to or theft or destruction of a permanent improvement to the	34404
extent a board of education places the proceeds in a separate	34405
fund for the acquisition, replacement, enhancement, maintenance,	34406
or repair of permanent improvements;	34407
(C) Proceeds received from the sale of a permanent	34408
improvement to the extent the proceeds are paid into a separate	34409
fund for the construction or acquisition of permanent	34410
improvements;	34411
(D) Proceeds received from a tax levy authorized by	34412
section 3318.06 of the Revised Code to the extent the proceeds	34413
are available to be used for the maintenance of capital	34414
facilities;	34415
(E) Proceeds of certificates of participation issued as	34416
part of a lease-purchase agreement entered into under section	34417
3313.375 of the Revised Code;	34418
(F) Proceeds of any school district income tax levied	34419
under Chapter 5748. of the Revised Code for permanent	34420
improvements, to the extent the proceeds are available for the	34421
acquisition, replacement, enhancement, maintenance, or repair of	34422
permanent improvements;	34423
(G) Any other revenue source identified by the auditor of	34424
state, in consultation with the department of education <u>and</u>	34425
<u>workforce</u> , in rules adopted by the auditor of state.	34426
Sec. 3315.33. There is hereby established a fund to be	34427
known as the Ohio scholarship fund for teacher trainees for the	34428
public purpose of relieving the existing teacher shortage in	34429
public schools, to be administered and expended as prescribed in	34430

sections 3315.33 to 3315.35 of the Revised Code. Appropriations 34431
by the general assembly for the purpose of scholarships for 34432
teacher trainees shall be paid into this fund. 34433

Each scholarship for a teacher trainee shall have a 34434
maximum value of five hundred dollars annually and shall be 34435
awarded as follows: 34436

(A) The ~~state board~~ department of education and workforce 34437
shall prescribe standards and requirements which shall be met by 34438
persons who are eligible for such scholarships. Scholarships 34439
shall be allocated among the counties of the state on an 34440
equitable basis by the ~~state board of education~~ department, 34441
provided that not less than three such scholarships shall be 34442
available annually to residents of each county of the state. If, 34443
on the first day of September in each year, the ~~state board of~~ 34444
~~education~~ department finds that the number of eligible persons 34445
recommended from any county is less than the number of 34446
scholarships allocated to that county, it may reallocate the 34447
remaining scholarships among the counties in which the number of 34448
eligible persons exceeds the number of scholarships allocated. 34449
Such reallocation as may affect a county in one year shall not 34450
prejudice in any way the allocation to it in succeeding years. 34451

(B) In accordance with the requirements of sections 34452
3315.33, 3315.34, and 3315.35 of the Revised Code, the 34453
educational service center superintendent in each educational 34454
service center as committee chairperson shall appoint a 34455
committee consisting of one high school principal, one 34456
elementary school principal, and one classroom teacher. This 34457
committee shall select and recommend, on the basis of merit, a 34458
number of high school graduates, not to exceed the number 34459
allocated to each county by the ~~state board of education~~ 34460

department, who are interested in teaching and whose work and 34461
qualifications are such as to indicate that they possess the 34462
qualities which should be possessed by a successful teacher. 34463
Such persons shall not have previously been enrolled in any 34464
college of education or have majored in education in any college 34465
or university. Such other college training shall be considered 34466
in determining such person's qualifications to become a 34467
successful teacher. 34468

(C) The scholarship fund for teacher trainees shall be 34469
disbursed to scholarship holders upon their application as 34470
approved by the ~~state board of education~~ department upon 34471
vouchers for that purpose. Such scholarships shall be paid in 34472
equal installments at the beginning of each quarter or semester 34473
while college is in session to each person who has been awarded 34474
such a scholarship when the following requirements are met: 34475

(1) Such person shall be a bona fide student in the 34476
college of education or department of teacher training in an 34477
Ohio institution of higher learning. 34478

(2) Such person shall pursue a course of study in 34479
elementary education in said college of education or department 34480
of teacher training approved by the ~~state board of education~~ 34481
department of education and workforce. 34482

Sec. 3315.34. Each person who receives a scholarship shall 34483
execute a promissory note which shall be endorsed by some 34484
responsible citizen, and shall deliver said note to the ~~state~~ 34485
~~board~~ department of education and workforce or to its 34486
representative. Each such note shall be made payable to the 34487
treasurer of state for the amount of the quarterly or semi- 34488
annual payment, and shall bear interest at the rate of five per 34489
cent per annum from the date of the note. The ~~state board of~~ 34490

~~education department~~ shall hold said note until it has been paid 34491
or cancelled as prescribed in section 3315.35 of the Revised 34492
Code. 34493

Each person awarded a scholarship under the terms of 34494
sections 3315.33 to 3315.35 of the Revised Code shall be 34495
eligible upon the completion of satisfactory work during the 34496
first year, under rules and regulations promulgated by the ~~state~~ 34497
~~board of education department~~, to have the scholarship renewed 34498
for a period not to exceed one additional year. 34499

Sec. 3315.35. At the expiration of each school year of 34500
service as a teacher in the public schools of Ohio by a person 34501
who has benefited from a scholarship granted under sections 34502
3315.33 to 3315.35 of the Revised Code, such person shall submit 34503
to the ~~state board~~ department of education and workforce a 34504
statement of service on a form provided for that purpose and 34505
certified by the superintendent of the school district in which 34506
the person has taught. Upon receipt of such statement in proper 34507
form, the board shall cancel the oldest notes given by such 34508
person covering the scholarship for one year and the interest 34509
accrued thereon. If for any reason a recipient of a scholarship 34510
ceases or, after licensure, fails to teach in the public schools 34511
of Ohio, except for death or total disability, or fails to file 34512
with the board by July first of each year a statement concerning 34513
the recipient's previous year's employment and address for the 34514
ensuing year, any and all unpaid or uncanceled notes and 34515
interest thereon shall become due and payable and the board 34516
shall transmit all such notes promptly to the treasurer of state 34517
and the treasurer of state shall enforce collection of the 34518
principal amount of any uncanceled or unpaid notes held by the 34519
treasurer of state and the interest thereon and shall deposit 34520
said sums so collected in the general revenue fund. 34521

Sec. 3316.03. (A) The existence of a fiscal watch shall be 34522
declared by the auditor of state. The auditor of state may make 34523
a determination on the auditor of state's initiative, or upon 34524
receipt of a written request for such a determination, which may 34525
be filed by the governor, the ~~superintendent of public~~ 34526
~~instruction~~ director of education and workforce, or a majority of 34527
the members of the board of education of the school district. 34528

(1) The auditor of state shall declare a school district 34529
to be in a state of fiscal watch if the auditor of state 34530
determines that both of the following conditions are satisfied 34531
with respect to the school district: 34532

(a) An operating deficit has been certified for the 34533
current fiscal year by the auditor of state, and the certified 34534
operating deficit exceeds eight per cent of the school 34535
district's general fund revenue for the preceding fiscal year; 34536

(b) A majority of the voting electors have not voted in 34537
favor of levying a tax under section 5705.194, 5705.199, or 34538
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34539
state expects will raise enough additional revenue in the next 34540
succeeding fiscal year that division (A) (1) (a) of this section 34541
will not apply to the district in such next succeeding fiscal 34542
year. 34543

(2) The auditor of state shall declare a school district 34544
to be in a state of fiscal watch if the auditor of state 34545
determines that the school district has outstanding securities 34546
issued under division (A) (4) of section 3316.06 of the Revised 34547
Code, and its financial planning and supervision commission has 34548
been terminated under section 3316.16 of the Revised Code. 34549

(3) The auditor of state shall declare a school district 34550

to be in a state of fiscal watch if both of the following 34551
conditions are satisfied: 34552

(a) The ~~superintendent of public instruction~~ director has 34553
reported to the auditor of state that the ~~superintendent~~ 34554
director has declared the district under section 3316.031 of the 34555
Revised Code to be under a fiscal caution, has found that the 34556
district has not acted reasonably to eliminate or correct 34557
practices or conditions that prompted the declaration, and has 34558
determined the declaration of a state of fiscal watch necessary 34559
to prevent further fiscal decline; 34560

(b) The auditor of state determines that the decision of 34561
the ~~superintendent~~ director is reasonable. 34562

If the auditor of state determines that the decision of 34563
the ~~superintendent~~ director is not reasonable, the auditor of 34564
state shall provide the ~~superintendent~~ director with a written 34565
explanation of that determination. 34566

(4) The auditor of state may declare a school district to 34567
be in a state of fiscal watch if all of the following conditions 34568
are satisfied: 34569

(a) An operating deficit has been certified for the 34570
current fiscal year by the auditor of state, and the certified 34571
operating deficit exceeds two per cent, but does not exceed 34572
eight per cent, of the school district's general fund revenue 34573
for the preceding fiscal year; 34574

(b) A majority of the voting electors have not voted in 34575
favor of levying a tax under section 5705.194, 5705.199, or 34576
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34577
state expects will raise enough additional revenue in the next 34578
succeeding fiscal year that division (A) (4) (a) of this section 34579

will not apply to the district in the next succeeding fiscal year; 34580
34581

(c) The auditor of state determines that there is no reasonable cause for the deficit or that the declaration of fiscal watch is necessary to prevent further fiscal decline in the district. 34582
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(B) (1) The auditor of state shall issue an order declaring a school district to be in a state of fiscal emergency if the auditor of state determines that both of the following conditions are satisfied with respect to the school district: 34586
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(a) An operating deficit has been certified for the current fiscal year by the auditor of state, and the certified operating deficit exceeds fifteen per cent of the school district's general fund revenue for the preceding fiscal year. 34590
34591
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(b) A majority of the voting electors have not voted in favor of levying a tax under section 5705.194, 5705.199, or 5705.21 or Chapter 5748. of the Revised Code that the auditor of state expects will raise enough additional revenue in the next succeeding fiscal year that division (B) (1) (a) of this section will not apply to the district in such next succeeding fiscal year. 34594
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(2) The auditor of state shall issue an order declaring a school district to be in a state of fiscal emergency if the school district board fails, pursuant to section 3316.04 of the Revised Code, to submit a plan acceptable to the ~~state~~ superintendent of public instruction director of education and workforce within one hundred twenty days of the auditor of state's declaration under division (A) of this section or an updated plan when one is required by division (C) of section 34601
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3316.04 of the Revised Code; 34609

(3) The auditor of state shall issue an order declaring a 34610
school district to be in a state of fiscal emergency if both of 34611
the following conditions are satisfied: 34612

(a) The ~~superintendent of public instruction~~ director has 34613
reported to the auditor of state that the district is not 34614
materially complying with the provisions of an original or 34615
updated plan as approved by the ~~state superintendent~~ director 34616
under section 3316.04 of the Revised Code, and that the ~~state~~ 34617
~~superintendent~~ director has determined the declaration of a 34618
state of fiscal emergency necessary to prevent further fiscal 34619
decline; 34620

(b) The auditor of state finds that the determination of 34621
the ~~superintendent~~ director is reasonable. 34622

If the auditor of state determines that the decision of 34623
the ~~superintendent~~ director is not reasonable, the auditor of 34624
state shall provide the ~~superintendent~~ director a written 34625
explanation of that determination. 34626

(4) The auditor of state shall issue an order declaring a 34627
school district to be in a state of fiscal emergency if a 34628
declaration of fiscal emergency is required by division (D) of 34629
section 3316.04 of the Revised Code. 34630

(5) The auditor of state may issue an order declaring a 34631
school district to be in a state of fiscal emergency if all of 34632
the following conditions are satisfied: 34633

(a) An operating deficit has been certified for the 34634
current fiscal year by the auditor of state, and the certified 34635
operating deficit exceeds ten per cent, but does not exceed 34636
fifteen per cent, of the school district's general fund revenue 34637

for the preceding fiscal year; 34638

(b) A majority of the voting electors have not voted in 34639
favor of levying a tax under section 5705.194, 5705.199, or 34640
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34641
state expects will raise enough additional revenue in the next 34642
succeeding fiscal year that division (B) (5) (a) of this section 34643
will not apply to the district in the next succeeding fiscal 34644
year; 34645

(c) The auditor of state determines that a declaration of 34646
fiscal emergency is necessary to correct the district's fiscal 34647
problems and to prevent further fiscal decline. 34648

(C) In making the determinations under this section, the 34649
auditor of state may use financial reports required under 34650
section 117.43 of the Revised Code; tax budgets, certificates of 34651
estimated resources and amendments thereof, annual appropriating 34652
measures and spending plans, and any other documents or 34653
information prepared pursuant to Chapter 5705. of the Revised 34654
Code; and any other documents, records, or information available 34655
to the auditor of state that indicate the conditions described 34656
in divisions (A) and (B) of this section. 34657

(D) The auditor of state shall certify the action taken 34658
under division (A) or (B) of this section to the board of 34659
education of the school district, the director of budget and 34660
management, the mayor or county auditor who could be required to 34661
act pursuant to division (B) (1) of section 3316.05 of the 34662
Revised Code, and to the ~~superintendent of public~~ 34663
~~instruction~~ director of education and workforce. 34664

(E) A determination by the auditor of state under this 34665
section that a fiscal emergency condition does not exist is 34666

final and conclusive and not appealable. A determination by the auditor of state under this section that a fiscal emergency exists is final, except that the board of education of the school district affected by such a determination may appeal the determination of the existence of a fiscal emergency condition to the court of appeals having territorial jurisdiction over the school district. The appeal shall be heard expeditiously by the court of appeals and for good cause shown shall take precedence over all other civil matters except earlier matters of the same character. Notice of such appeal must be filed with the auditor of state and such court within thirty days after certification by the auditor of state to the board of education of the school district provided for in division (D) of this section. In such appeal, determinations of the auditor of state shall be presumed to be valid and the board of education shall have the burden of proving, by clear and convincing evidence, that each of the determinations made by the auditor of state as to the existence of a fiscal emergency condition under this section was in error. If the board of education fails, upon presentation of its case, to prove by clear and convincing evidence that each such determination by the auditor of state was in error, the court shall dismiss the appeal. The board of education and the auditor of state may introduce any evidence relevant to the existence or nonexistence of such fiscal emergency conditions. The pendency of any such appeal shall not affect or impede the operations of this chapter; no restraining order, temporary injunction, or other similar restraint upon actions consistent with this chapter shall be imposed by the court or any court pending determination of such appeal; and all things may be done under this chapter that may be done regardless of the pendency of any such appeal. Any action taken or contract executed pursuant to this chapter during the pendency of such appeal is valid and

enforceable among all parties, notwithstanding the decision in 34699
such appeal. If the court of appeals reverses the determination 34700
of the existence of a fiscal emergency condition by the auditor 34701
of state, the determination no longer has any effect, and any 34702
procedures undertaken as a result of the determination shall be 34703
terminated. 34704

Sec. 3316.031. (A) The ~~state superintendent of public~~ 34705
~~instruction~~director of education and workforce, in consultation 34706
with the auditor of state, shall develop guidelines for 34707
identifying fiscal practices and budgetary conditions that, if 34708
uncorrected, could result in a future declaration of a fiscal 34709
watch or fiscal emergency within a school district. 34710

The guidelines shall not include a requirement that a 34711
school district submit financial statements according to 34712
generally accepted accounting principles. 34713

(B) (1) If the ~~state superintendent~~director determines 34714
from a school district's five-year forecast submitted under 34715
section 5705.391 of the Revised Code that a district is engaging 34716
in any of those practices or that any of those conditions exist 34717
within the district, after consulting with the district board of 34718
education concerning the practices or conditions, the ~~state~~ 34719
~~superintendent~~director may declare the district to be under a 34720
fiscal caution. 34721

(2) If the auditor of state finds that a district is 34722
engaging in any of those practices or that any of those 34723
conditions exist within the district, the auditor of state shall 34724
report that finding to the ~~state superintendent~~director and, 34725
after consulting with the district board of education concerning 34726
the practices or conditions, the ~~state superintendent~~director 34727
may declare the district to be under a fiscal caution. 34728

(3) Unless the auditor of state has elected to declare a state of fiscal watch under division (A) (4) of section 3316.03 of the Revised Code, the ~~state superintendent~~ director shall declare a school district to be under a fiscal caution if the conditions described in divisions (A) (4) (a) and (b) of that section are both satisfied with respect to the school district.

(C) When the ~~state superintendent~~ director declares a district to be under fiscal caution, the ~~state superintendent~~ director shall promptly notify the district board of education of that declaration and shall request the board to provide written proposals for discontinuing or correcting the fiscal practices or budgetary conditions that prompted the declaration and for preventing the district from experiencing further fiscal difficulties that could result in the district being declared to be in a state of fiscal watch or fiscal emergency.

(D) The ~~state superintendent~~ director, or a designee, may visit and inspect any district that is declared to be under a fiscal caution. The department of education and workforce shall provide technical assistance to the district board in implementing proposals to eliminate the practices or budgetary conditions that prompted the declaration of fiscal caution and may make recommendations concerning the board's proposals.

(E) If the ~~state superintendent~~ director finds that a school district declared to be under a fiscal caution has not made reasonable proposals or otherwise taken action to discontinue or correct the fiscal practices or budgetary conditions that prompted the declaration of fiscal caution, and if the ~~state superintendent~~ director considers it necessary to prevent further fiscal decline, the ~~state superintendent~~ director may determine that the district should be in a state of

fiscal watch. As provided in division (A) (3) of section 3316.03 34759
of the Revised Code, the auditor of state shall declare the 34760
district to be in a state of fiscal watch if the auditor of 34761
state finds the ~~superintendent's~~ director's determination to be 34762
reasonable. 34763

Sec. 3316.04. (A) Within sixty days of the auditor's 34764
declaration under division (A) of section 3316.03 of the Revised 34765
Code, the board of education of the school district shall 34766
prepare and submit to the ~~superintendent of public instruction~~ 34767
director of education and workforce a financial plan delineating 34768
the steps the board will take to eliminate the district's 34769
current operating deficit and avoid incurring operating deficits 34770
in ensuing years, including the implementation of spending 34771
reductions. The financial plan also shall evaluate the 34772
feasibility of entering into shared services agreements with 34773
other political subdivisions for the joint exercise of any 34774
power, performance of any function, or rendering of any service, 34775
if so authorized by statute. The ~~superintendent of public~~ 34776
~~instruction~~ director shall evaluate the initial financial plan, 34777
and either approve or disapprove it within thirty calendar days 34778
from the date of its submission. If the initial financial plan 34779
is disapproved, the ~~state superintendent~~ director shall 34780
recommend modifications that will render the financial plan 34781
acceptable. No school district board shall implement a financial 34782
plan submitted to the ~~superintendent of public instruction~~ 34783
director under this section unless the ~~superintendent~~ director 34784
has approved the plan. 34785

(B) Upon request of the board of education of a school 34786
district declared to be in a state of fiscal watch, the auditor 34787
of state and ~~superintendent of public instruction~~ director shall 34788
provide technical assistance to the board in resolving the 34789

fiscal problems that gave rise to the declaration, including 34790
assistance in drafting the board's financial plan. 34791

(C) A financial plan adopted under this section may be 34792
amended at any time with the approval of the 34793
~~superintendent~~director. The board of education of the school 34794
district shall submit an updated financial plan to the 34795
~~superintendent~~director, for the ~~superintendent's~~director's 34796
approval, every year that the district is in a state of fiscal 34797
watch. The updated plan shall be submitted in a form acceptable 34798
to the ~~superintendent~~director. The ~~superintendent~~director shall 34799
approve or disapprove each updated plan no later than the 34800
anniversary of the date on which the first such plan was 34801
approved. 34802

(D) A school district that has restructured or refinanced 34803
a loan under section 3316.041 of the Revised Code shall be 34804
declared to be in a state of fiscal emergency if any of the 34805
following occurs: 34806

(1) An operating deficit is certified for the district 34807
under section 3313.483 of the Revised Code for any year prior to 34808
the repayment of the restructured or refinanced loan; 34809

(2) The ~~superintendent~~director determines, in 34810
consultation with the auditor of state, that the school district 34811
is not satisfactorily complying with the terms of the financial 34812
plan required by this section; 34813

(3) The board of education of the school district fails to 34814
submit an updated plan that is acceptable to the ~~superintendent~~director 34815
director under division (C) of this section. 34816

Sec. 3316.041. (A) Notwithstanding any provision of 34817
Chapter 133. or sections 3313.483 to 3313.4810 of the Revised 34818

Code, and subject to the approval of the ~~superintendent of~~ 34819
~~public instruction~~director of education and workforce, a school 34820
district that is in a state of fiscal watch declared under 34821
section 3316.03 of the Revised Code may restructure or refinance 34822
loans obtained or in the process of being obtained under section 34823
3313.483 of the Revised Code if all of the following 34824
requirements are met: 34825

(1) The operating deficit certified for the school 34826
district for the current or preceding fiscal year under section 34827
3313.483 of the Revised Code exceeds fifteen per cent of the 34828
district's general revenue fund for the fiscal year preceding 34829
the year for which the certification of the operating deficit is 34830
made. 34831

(2) The school district voters have, during the period of 34832
the fiscal watch, approved the levy of a tax under section 34833
718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the 34834
Revised Code that is not a renewal or replacement levy, or a 34835
levy under section 5705.199 of the Revised Code, and that will 34836
provide new operating revenue. 34837

(3) The board of education of the school district has 34838
adopted or amended the financial plan required by section 34839
3316.04 of the Revised Code to reflect the restructured or 34840
refinanced loans, and sets forth the means by which the district 34841
will bring projected operating revenues and expenditures, and 34842
projected debt service obligations, into balance for the life of 34843
any such loan. 34844

(B) Subject to the approval of the ~~superintendent of~~ 34845
~~public instruction~~director, the school district may issue 34846
securities to evidence the restructuring or refinancing 34847
authorized by this section. Such securities may extend the 34848

original period for repayment not to exceed ten years, and may 34849
alter the frequency and amount of repayments, interest or other 34850
financing charges, and other terms or agreements under which the 34851
loans were originally contracted, provided the loans received 34852
under sections 3313.483 of the Revised Code are repaid from 34853
funds the district would otherwise receive under Chapter 3317. 34854
of the Revised Code, as required under division (E) (3) of 34855
section 3313.483 of the Revised Code. Securities issued for the 34856
purpose of restructuring or refinancing under this section shall 34857
be repaid in equal payments and at equal intervals over the term 34858
of the debt and are not eligible to be included in any 34859
subsequent proposal to restructure or refinance. 34860

(C) Unless the district is declared to be in a state of 34861
fiscal emergency under division (D) of section 3316.04 of the 34862
Revised Code, a school district shall remain in a state of 34863
fiscal watch for the duration of the repayment period of any 34864
loan restructured or refinanced under this section. 34865

Sec. 3316.042. The auditor of state, on the auditor of 34866
state's initiative, may conduct a performance audit of a school 34867
district that is under a fiscal caution under section 3316.031 34868
of the Revised Code, in a state of fiscal watch, or in a state 34869
of fiscal emergency, in which the auditor of state reviews any 34870
programs or areas of operation in which the auditor of state 34871
believes that greater operational efficiencies or enhanced 34872
program results can be achieved. 34873

The auditor of state, in consultation with the department 34874
of education and workforce and the office of budget and 34875
management, shall determine for which school districts to 34876
conduct performance audits under this section. Priority shall be 34877
given to districts in fiscal distress, including districts 34878

employing fiscal practices or experiencing budgetary conditions 34879
that could produce a state of fiscal watch or fiscal emergency, 34880
as determined by the auditor of state, in consultation with the 34881
department and the office of budget and management. 34882

The cost of a performance audit conducted under this 34883
section shall be paid by the auditor of state. 34884

A performance audit under this section shall not include 34885
review or evaluation of school district academic performance. 34886

Sec. 3316.05. (A) Pursuant to the powers of the general 34887
assembly and for the purposes of this chapter, upon the 34888
declaration of a fiscal emergency in any school district 34889
pursuant to division (B) of section 3316.03 of the Revised Code, 34890
there is established, with respect to that school district, a 34891
body both corporate and politic constituting an agency and 34892
instrumentality of the state and performing essential 34893
governmental functions of the state to be known as the 34894
"financial planning and supervision commission for _____ 34895
(name of school district)," which, in that name, may exercise 34896
all authority vested in such a commission by this chapter. A 34897
separate commission is established with respect to each school 34898
district as to which there is a fiscal emergency as determined 34899
under this chapter. 34900

(B) A commission appointed after July 1, 1999, shall 34901
consist of five voting members, including women and at least one 34902
Hispanic or African American if Hispanic and African Americans 34903
together constitute at least twenty per cent of the student 34904
population of the district, as follows: 34905

(1) Two ex officio members: the director of budget and 34906
management, or a designee of the director, and the 34907

~~superintendent of public instruction~~director of education and workforce, or a designee of the ~~superintendent~~director. A designee, when present, shall be counted in determining whether a quorum is present at any meeting of the commission and may vote and participate in all proceedings and actions of the commission. The designations shall be in writing, executed by the member making the designation, and filed with the secretary of the commission. The designations may be changed from time to time in like manner, but due regard shall be given to the need for continuity.

(2) Three appointed members, who shall be appointed within fifteen days after the declaration of the fiscal emergency, one by the governor, one by the ~~superintendent of public instruction~~director of education and workforce, and one by the mayor of the municipal corporation with the largest number of residents living within the school district, except that if more than fifty per cent of the residents of the district reside outside the municipal corporation containing the greatest number of district residents or if there is no municipal corporation located in the school district, the county auditor of the county with the largest number of residents living within the school district shall make the appointment in lieu of a mayor. All of the appointed members shall serve at the pleasure of the appointing authority during the life of the commission. In the event of the death, resignation, incapacity, removal, or ineligibility to serve of an appointed member, the appointing authority shall appoint a successor within fifteen days after the vacancy occurs.

(a) The member appointed by the governor and the member appointed by the mayor or county auditor shall be an individual:

(i) Who has knowledge and experience in financial matters, 34938
financial management, or business organization or operations, 34939
including at least five years of experience in the public or 34940
private sector in the management of business or financial 34941
enterprise, or in management consulting, public accounting, or 34942
other similar professional activity; 34943

(ii) Whose residency, office, or principal place of 34944
professional or business activity is situated within the school 34945
district. 34946

(b) The member appointed by the ~~superintendent of public~~ 34947
~~instruction director~~ shall be a parent of a child currently 34948
enrolled in a public school within the district. 34949

(C) Immediately after appointment of the initial appointed 34950
members of the commission, the ~~superintendent of public~~ 34951
~~instruction director of education and workforce~~ shall call the 34952
first meeting of the commission and shall cause written notice 34953
of the time, date, and place of the first meeting to be given to 34954
each member of the commission at least forty-eight hours in 34955
advance of the meeting. 34956

(D) The ~~superintendent of public instruction director of~~ 34957
~~education and workforce~~ shall serve as the commission's 34958
chairperson and the commission shall elect one of its members as 34959
vice-chairperson and may appoint a secretary and any other 34960
officers, who need not be members of the commission, as it 34961
considers necessary. 34962

(E) The commission may adopt and alter bylaws and rules, 34963
which shall not be subject to section 111.15 or Chapter 119. of 34964
the Revised Code, for the conduct of its affairs and for the 34965
manner, subject to this chapter, in which its powers and 34966

functions shall be exercised and embodied. 34967

(F) Three members of the commission constitute a quorum of 34968
the commission. The affirmative vote of three members of the 34969
commission is necessary for any action taken by vote of the 34970
commission. No vacancy in the membership of the commission shall 34971
impair the rights of a quorum by such vote to exercise all the 34972
rights and perform all the duties of the commission. Members of 34973
the commission, and their designees, are not disqualified from 34974
voting by reason of the functions of the other office they hold 34975
and are not disqualified from exercising the functions of the 34976
other office with respect to the school district, its officers, 34977
or the commission. 34978

(G) The auditor of state shall act as the financial 34979
supervisor for the school district under contract with the 34980
commission unless the auditor of state elects to contract for 34981
that service. At the request of the commission the auditor of 34982
state shall designate employees of the auditor of state's office 34983
to assist the commission and to coordinate the work of the 34984
auditor of state's office. Upon the declaration of a fiscal 34985
emergency in any school district, the school district shall 34986
provide the commission with such reasonable office space in the 34987
principal building housing the administrative offices of the 34988
school district, where feasible, as the commission determines is 34989
necessary to carry out its duties under this chapter. 34990

The attorney general shall serve as the legal counsel for 34991
the commission. 34992

(H) The members of the commission, the ~~superintendent of~~ 34993
~~public instruction~~ director of education and workforce, the 34994
auditor of state, and any person authorized to act on behalf of 34995
or assist them shall not be personally liable or subject to any 34996

suit, judgment, or claim for damages resulting from the exercise 34997
of or failure to exercise the powers, duties, and functions 34998
granted to them in regard to their functioning under this 34999
chapter, but the commission, the ~~superintendent of public-~~ 35000
~~instruction~~director, the auditor of state, and such other 35001
persons shall be subject to mandamus proceedings to compel 35002
performance of their duties under this chapter. 35003

(I) At the request of the commission the administrative 35004
head of any state agency shall temporarily assign personnel 35005
skilled in accounting and budgeting procedures to assist the 35006
commission in its duties. 35007

(J) The appointed members of the commission are not 35008
subject to section 102.02 of the Revised Code, each appointed 35009
member of the commission shall file with the commission a signed 35010
written statement setting forth the general nature of sales of 35011
goods, property, or services or of loans to the school district 35012
with respect to which that commission is established, in which 35013
the appointed member has a pecuniary interest or in which any 35014
member of the appointed member's immediate family, as defined in 35015
section 102.01 of the Revised Code, or any corporation, 35016
partnership, or enterprise of which the appointed member is an 35017
officer, director, or partner, or of which the appointed member 35018
or a member of the appointed member's immediate family, as so 35019
defined, owns more than a five per cent interest, has a 35020
pecuniary interest, and of which sale, loan, or interest such 35021
member has knowledge. The statement shall be supplemented from 35022
time to time to reflect changes in the general nature of any 35023
such sales or loans. 35024

(K) Meetings of the commission shall be subject to section 35025
121.22 of the Revised Code except that division (C) of such 35026

section requiring members to be physically present to be part of 35027
a quorum or vote does not apply if the commission holds a 35028
meeting by teleconference and if provisions are made for public 35029
attendance at any location involved in such teleconference. 35030

Sec. 3316.06. (A) Within one hundred twenty days after the 35031
first meeting of a school district financial planning and 35032
supervision commission, the commission shall adopt a financial 35033
recovery plan regarding the school district for which the 35034
commission was created. During the formulation of the plan, the 35035
commission shall seek appropriate input from the school district 35036
board and from the community. This plan shall contain the 35037
following: 35038

(1) Actions to be taken to: 35039

(a) Eliminate all fiscal emergency conditions declared to 35040
exist pursuant to division (B) of section 3316.03 of the Revised 35041
Code; 35042

(b) Satisfy any judgments, past-due accounts payable, and 35043
all past-due and payable payroll and fringe benefits; 35044

(c) Eliminate the deficits in all deficit funds, except 35045
that any prior year deficits in the capital and maintenance fund 35046
established pursuant to section 3315.18 of the Revised Code 35047
shall be forgiven; 35048

(d) Restore to special funds any moneys from such funds 35049
that were used for purposes not within the purposes of such 35050
funds, or borrowed from such funds by the purchase of debt 35051
obligations of the school district with the moneys of such 35052
funds, or missing from the special funds and not accounted for, 35053
if any; 35054

(e) Balance the budget, avoid future deficits in any 35055

funds, and maintain on a current basis payments of payroll, 35056
fringe benefits, and all accounts; 35057

(f) Avoid any fiscal emergency condition in the future; 35058

(g) Restore the ability of the school district to market 35059
long-term general obligation bonds under provisions of law 35060
applicable to school districts generally. 35061

(2) The management structure that will enable the school 35062
district to take the actions enumerated in division (A) (1) of 35063
this section. The plan shall specify the level of fiscal and 35064
management control that the commission will exercise within the 35065
school district during the period of fiscal emergency, and shall 35066
enumerate respectively, the powers and duties of the commission 35067
and the powers and duties of the school board during that 35068
period. The commission may elect to assume any of the powers and 35069
duties of the school board it considers necessary, including all 35070
powers related to personnel, curriculum, and legal issues in 35071
order to successfully implement the actions described in 35072
division (A) (1) of this section. 35073

(3) The target dates for the commencement, progress upon, 35074
and completion of the actions enumerated in division (A) (1) of 35075
this section and a reasonable period of time expected to be 35076
required to implement the plan. The commission shall prepare a 35077
reasonable time schedule for progress toward and achievement of 35078
the requirements for the plan, and the plan shall be consistent 35079
with that time schedule. 35080

(4) The amount and purpose of any issue of debt 35081
obligations that will be issued, together with assurances that 35082
any such debt obligations that will be issued will not exceed 35083
debt limits supported by appropriate certifications by the 35084

fiscal officer of the school district and the county auditor. If 35085
the commission considers it necessary in order to maintain or 35086
improve educational opportunities of pupils in the school 35087
district, the plan may include a proposal to restructure or 35088
refinance outstanding debt obligations incurred by the board 35089
under section 3313.483 of the Revised Code contingent upon the 35090
approval, during the period of the fiscal emergency, by district 35091
voters of a tax levied under section 718.09, 718.10, 5705.194, 35092
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 35093
is not a renewal or replacement levy, or a levy under section 35094
5705.199 of the Revised Code, and that will provide new 35095
operating revenue. Notwithstanding any provision of Chapter 133. 35096
or sections 3313.483 to 3313.4810 of the Revised Code, following 35097
the required approval of the district voters and with the 35098
approval of the commission, the school district may issue 35099
securities to evidence the restructuring or refinancing. Those 35100
securities may extend the original period for repayment, not to 35101
exceed ten years, and may alter the frequency and amount of 35102
repayments, interest or other financing charges, and other terms 35103
of agreements under which the debt originally was contracted, at 35104
the discretion of the commission, provided that any loans 35105
received pursuant to section 3313.483 of the Revised Code shall 35106
be paid from funds the district would otherwise receive under 35107
Chapter 3317. of the Revised Code, as required under division 35108
(E) (3) of section 3313.483 of the Revised Code. The securities 35109
issued for the purpose of restructuring or refinancing the debt 35110
shall be repaid in equal payments and at equal intervals over 35111
the term of the debt and are not eligible to be included in any 35112
subsequent proposal for the purpose of restructuring or 35113
refinancing debt under this section. 35114

(5) An evaluation of the feasibility of entering into 35115

shared services agreements with other political subdivisions for 35116
the joint exercise of any power, performance of any function, or 35117
rendering of any service, if so authorized by statute. 35118

(B) Any financial recovery plan may be amended subsequent 35119
to its adoption. Each financial recovery plan shall be updated 35120
annually. 35121

(C) Each school district financial planning and 35122
supervision commission shall submit the financial recovery plan 35123
it adopts or updates under this section to the ~~state~~ 35124
~~superintendent of public instruction~~ director of education and 35125
workforce for approval immediately following its adoption or 35126
updating. The ~~state superintendent~~ director shall evaluate the 35127
plan and either approve or disapprove it within thirty calendar 35128
days from the date of its submission. If the plan is 35129
disapproved, the ~~state superintendent~~ director shall recommend 35130
modifications that will render it acceptable. No financial 35131
planning and supervision commission shall implement a financial 35132
recovery plan that is adopted or updated on or after April 10, 35133
2001, unless the ~~state superintendent~~ director has approved it. 35134

Sec. 3316.08. During a school district's fiscal emergency 35135
period, the auditor of state shall determine annually, or at any 35136
other time upon request of the financial planning and 35137
supervision commission, whether the school district will incur 35138
an operating deficit. If the auditor of state determines that a 35139
school district will incur an operating deficit, the auditor of 35140
state shall certify that determination to the ~~superintendent of~~ 35141
~~public instruction~~ director of education and workforce, the 35142
financial planning and supervision commission, and the board of 35143
education of the school district. Upon receiving the auditor of 35144
state's certification, the commission shall adopt a resolution 35145

requesting that the board of education work with the county auditor or tax commissioner to estimate the amount and rate of a tax levy that is needed under section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the Revised Code to produce a positive fund balance not later than the fifth year of the five-year forecast submitted under section 5705.391 of the Revised Code.

The board of education shall recommend to the commission whether the board supports or opposes a tax levy under section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the Revised Code and shall provide supporting documentation to the commission of its recommendation.

After considering the board of education's recommendation and supporting documentation, the commission shall adopt a resolution to either submit a ballot question proposing a tax levy or not to submit such a question.

Except as otherwise provided in this division, the tax shall be levied in the manner prescribed for a tax levied under section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or under Chapter 5748. of the Revised Code. If the commission decides that a tax should be levied, the tax shall be levied for the purpose of paying current operating expenses of the school district. The rate of a property tax levied under section 5705.194, ~~5709.199~~ 5705.199, 5705.21, or 5748.09 of the Revised Code shall be determined by the county auditor, and the rate of an income tax levied under section 5748.02, 5748.08, or 5748.09 of the Revised Code shall be determined by the tax commissioner, upon the request of the commission. The commission, in consultation with the board of education, shall determine the election at which the question of the tax shall appear on the ballot, and the

commission shall submit a copy of its resolution to the board of 35176
elections not later than ninety days prior to the day of that 35177
election. The board of elections conducting the election shall 35178
certify the results of the election to the board of education 35179
and to the financial planning and supervision commission. 35180

Sec. 3316.20. (A) (1) The school district solvency 35181
assistance fund is hereby created in the state treasury, to 35182
consist of such amounts designated for the purposes of the fund 35183
by the general assembly. The fund shall be used to provide 35184
assistance and grants to school districts to enable them to 35185
remain solvent and to pay unforeseeable expenses of a temporary 35186
or emergency nature that they are unable to pay from existing 35187
resources. 35188

(2) There is hereby created within the fund an account 35189
known as the school district shared resource account, which 35190
shall consist of money appropriated to it by the general 35191
assembly. The money in the account shall be used solely for 35192
solvency assistance to school districts that have been declared 35193
under division (B) of section 3316.03 of the Revised Code to be 35194
in a state of fiscal emergency. 35195

(3) There is hereby created within the fund an account 35196
known as the catastrophic expenditures account, which shall 35197
consist of money appropriated to the account by the general 35198
assembly plus all investment earnings of the fund. Money in the 35199
account shall be used solely for the following: 35200

(a) Solvency assistance to school districts that have been 35201
declared under division (B) of section 3316.03 of the Revised 35202
Code to be in a state of fiscal emergency, in the event that all 35203
money in the shared resource account is utilized for solvency 35204
assistance; 35205

(b) Grants to school districts under division (C) of this section. 35206
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(B) Solvency assistance payments under division (A) (2) or (3) (a) of this section shall be made from the fund by the ~~superintendent of public instruction~~ director of education and workforce in accordance with rules adopted by the director of budget and management, after consulting with the ~~superintendent~~ director, specifying approval criteria and procedures necessary for administering the fund. 35208
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The fund shall be reimbursed for any solvency assistance amounts paid under division (A) (2) or (3) (a) of this section not later than the end of the second fiscal year following the fiscal year in which the solvency assistance payment was made, except that, upon the approval of the director of budget and management and the ~~superintendent of public instruction~~ director of education and workforce, the fund may be reimbursed in another fiscal year designated by the director of budget and management and ~~superintendent~~ director of education and workforce that is not later than the end of the tenth fiscal year following the fiscal year in which the solvency assistance payment was made. If not made directly by the school district, such reimbursement shall be made by the director of budget and management from the amounts the school district would otherwise receive pursuant to Chapter 3317. of the Revised Code, or from any other funds appropriated for the district by the general assembly. Reimbursements shall be credited to the respective account from which the solvency assistance paid to the district was deducted. 35215
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(C) The ~~superintendent of public instruction~~ director of education and workforce may make recommendations, and the 35234
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controlling board may grant money from the catastrophic 35236
expenditures account to any school district that suffers an 35237
unforeseen catastrophic event that severely depletes the 35238
district's financial resources. The ~~superintendent~~ director of 35239
education and workforce shall make recommendations for the 35240
grants in accordance with rules adopted by the director of 35241
budget and management, after consulting with the 35242
~~superintendent~~ director of education and workforce. A school 35243
district shall not be required to repay any grant awarded to the 35244
district under this division, unless the district receives money 35245
from this state or a third party, including an agency of the 35246
government of the United States, specifically for the purpose of 35247
compensating the district for revenue lost or expenses incurred 35248
as a result of the unforeseen catastrophic event. If a school 35249
district receives a grant from the catastrophic expenditures 35250
account on the basis of the same circumstances for which an 35251
adjustment or recomputation is authorized under section 35252
3317.025, 3317.028, 3317.0210, or 3317.0211 of the Revised Code, 35253
the department of education and workforce shall reduce the 35254
adjustment or recomputation by an amount not to exceed the total 35255
amount of the grant, and an amount equal to the reduction shall 35256
be transferred, from the funding source from which the 35257
adjustment or recomputation would be paid, to the catastrophic 35258
expenditures account. Any adjustment or recomputation under such 35259
sections that is in excess of the total amount of the grant 35260
shall be paid to the school district. 35261

Sec. 3317.01. As used in this section, "school district," 35262
unless otherwise specified, means any city, local, exempted 35263
village, joint vocational, or cooperative education school 35264
district and any educational service center. 35265

This chapter shall be administered by the ~~state board~~ 35266

~~department of education and workforce.~~ The ~~superintendent of-~~ 35267
~~public instruction department of education and workforce~~ shall 35268
calculate the amounts payable to each school district and shall 35269
certify the amounts payable to each eligible district to the 35270
treasurer of the district as provided by this chapter. 35271
Certification of moneys pursuant to this section shall include 35272
the amounts payable to each school building, at a frequency 35273
determined by the ~~superintendent~~department, for each subgroup of 35274
students, as defined in section 3317.40 of the Revised Code, 35275
receiving services, provided for by state funding, from the 35276
district or school. No moneys shall be distributed pursuant to 35277
this chapter without the approval of the controlling board. 35278

The ~~state board of education department~~ shall, in 35279
accordance with appropriations made by the general assembly, 35280
meet the financial obligations of this chapter. 35281

Moneys distributed to school districts pursuant to this 35282
chapter shall be calculated based on the annual enrollment 35283
calculated from the three reports required under sections 35284
3317.03 and 3317.036 of the Revised Code and paid on a fiscal 35285
year basis, beginning with the first day of July and extending 35286
through the thirtieth day of June. In any given fiscal year, 35287
prior to school districts submitting the first report required 35288
under section 3317.03 of the Revised Code, enrollment for the 35289
districts shall be calculated based on the third report 35290
submitted by the districts for the previous fiscal year. The 35291
moneys appropriated for each fiscal year shall be distributed 35292
periodically to each school district unless otherwise provided 35293
for. The ~~state board~~ department, in June of each year, shall 35294
submit to the controlling board the ~~state board's department's~~ 35295
year-end distributions pursuant to this chapter. 35296

Except as otherwise provided, payments under this chapter 35297
shall be made only to those school districts in which: 35298

(A) The school district, except for any educational 35299
service center and any joint vocational or cooperative education 35300
school district, levies for current operating expenses at least 35301
twenty mills. Levies for joint vocational or cooperative 35302
education school districts or county school financing districts, 35303
limited to or to the extent apportioned to current expenses, 35304
shall be included in this qualification requirement. School 35305
district income tax levies under Chapter 5748. of the Revised 35306
Code, limited to or to the extent apportioned to current 35307
operating expenses, shall be included in this qualification 35308
requirement to the extent determined by the tax commissioner 35309
under division (C) of section 3317.021 of the Revised Code. 35310

(B) The school year next preceding the fiscal year for 35311
which such payments are authorized meets the requirement of 35312
section 3313.48 of the Revised Code, with regard to the minimum 35313
number of hours school must be open for instruction with pupils 35314
in attendance, for individualized parent-teacher conference and 35315
reporting periods, and for professional meetings of teachers. 35316

A school district shall not be considered to have failed 35317
to comply with this division because schools were open for 35318
instruction but either twelfth grade students were excused from 35319
attendance for up to the equivalent of three school days or only 35320
a portion of the kindergarten students were in attendance for up 35321
to the equivalent of three school days in order to allow for the 35322
gradual orientation to school of such students. 35323

A board of education or governing board of an educational 35324
service center which has not conformed with other law and the 35325
rules pursuant thereto, shall not participate in the 35326

distribution of funds authorized by this chapter, except for 35327
good and sufficient reason established to the satisfaction of 35328
the ~~state board of education department~~ and the state 35329
controlling board. 35330

All funds allocated to school districts under this 35331
chapter, except those specifically allocated for other purposes, 35332
shall be used to pay current operating expenses only. 35333

Sec. 3317.011. This section shall apply only for fiscal 35334
years 2022 and 2023. 35335

(A) As used in this section: 35336

(1) "Average administrative assistant salary" means the 35337
average salary of administrative assistants employed by city, 35338
local, and exempted village school districts in this state with 35339
salaries greater than \$20,000 but less than \$65,000, using 35340
fiscal year 2018 data, as determined by the department of 35341
education and workforce. 35342

(2) "Average bookkeeping and accounting employee salary" 35343
means the average salary of bookkeeping employees and accounting 35344
employees employed by city, local, and exempted village school 35345
districts in this state with salaries greater than \$20,000 but 35346
less than \$80,000, using fiscal year 2018 data, as determined by 35347
the department. 35348

(3) "Average clerical staff salary" means the average 35349
salary of clerical staff employed by city, local, and exempted 35350
village school districts in this state with salaries greater 35351
than \$15,000 but less than \$50,000, using fiscal year 2018 data, 35352
as determined by the department. 35353

(4) "Average counselor salary" means the average salary of 35354
counselors employed by city, local, and exempted village school 35355

districts in this state with salaries greater than \$30,000 but 35356
less than \$95,000, using fiscal year 2018 data, as determined by 35357
the department. 35358

(5) "Average education management information system 35359
support employee salary" means the average salary of accounting 35360
employees employed by city, local, and exempted village school 35361
districts in this state with salaries greater than \$30,000 but 35362
less than \$90,000, using fiscal year 2018 data, as determined by 35363
the department. 35364

(6) "Average librarian and media staff salary" means the 35365
average salary of librarians and media staff employed by city, 35366
local, and exempted village school districts in this state with 35367
salaries greater than \$30,000 but less than \$95,000, using 35368
fiscal year 2018 data, as determined by the department. 35369

(7) "Average other district administrator salary" means 35370
the average salary of all assistant superintendents and 35371
directors employed by city, local, and exempted village school 35372
districts in this state with salaries greater than \$50,000 but 35373
less than \$135,000, using fiscal year 2018 data, as determined 35374
by the department. 35375

(8) "Average principal salary" means the average salary of 35376
all principals employed by city, local, and exempted village 35377
school districts in this state with salaries greater than 35378
\$50,000 but less than \$120,000, using fiscal year 2018 data, as 35379
determined by the department. 35380

(9) "Average superintendent salary" means the average 35381
salary of all superintendents employed by city, local, and 35382
exempted village school districts in this state with salaries 35383
greater than \$60,000 but less than \$180,000, using fiscal year 35384

2018 data, as determined by the department.	35385
(10) "Average teacher cost" for a fiscal year is equal to	35386
the sum of the following:	35387
(a) The average salary of teachers employed by city,	35388
local, and exempted village school districts in this state with	35389
salaries greater than \$30,000 but less than \$95,000, using	35390
fiscal year 2018 data, as determined by the department;	35391
(b) An amount for teacher benefits equal to 0.16 times the	35392
average salary calculated under division (A) (10) (a) of this	35393
section;	35394
(c) An amount for district-paid insurance costs equal to	35395
the following product:	35396
The statewide weighted average employer-paid monthly premium	35397
based on data reported by city, local, and exempted village	35398
school districts to the state employment relations board for the	35399
health insurance survey conducted in accordance with divisions	35400
(K) (5) and (6) of section 4117.02 of the Revised Code using	35401
fiscal year 2018 data X 12	35402
(11) "Eligible school district" means a city, local, or	35403
exempted village school district that satisfies one of the	35404
following:	35405
(a) The district is a member of an organization that	35406
regulates interscholastic athletics.	35407
(b) The district has teams in at least three different	35408
sports that participate in an interscholastic league.	35409
(B) When calculating a district's aggregate base cost	35410
under this section, the department shall use data from fiscal	35411
year 2018 for all of the following:	35412

(1) The average salaries determined under divisions (A)	35413
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of this	35414
section;	35415
(2) The amount for teacher benefits determined under	35416
division (A) (10) (b) of this section;	35417
(3) The district-paid insurance costs determined under	35418
division (A) (10) (c) of this section;	35419
(4) The spending determined under divisions (E) (4) (a), (E)	35420
(5) (a), (E) (6) (a), and (H) (1) of this section and the	35421
corresponding student counts determined under divisions (E) (4)	35422
(b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section;	35423
(5) The information determined under division (G) (3) of	35424
this section.	35425
(C) A city, local, or exempted village school district's	35426
aggregate base cost for a fiscal year shall be equal to the	35427
following sum:	35428
(The district's teacher base cost for that fiscal year computed	35429
under division (D) of this section) + (the district's student	35430
support base cost for that fiscal year computed under division	35431
(E) of this section) + (the district's leadership and	35432
accountability base cost for that fiscal year computed under	35433
division (F) of this section) + (the district's building	35434
leadership and operations base cost for that fiscal year	35435
computed under division (G) of this section) + (the athletic co-	35436
curricular activities base cost for that fiscal year computed	35437
under division (H) of this section, if the district is an	35438
eligible school district)	35439
(D) The department of education shall compute a district's	35440
teacher base cost for a fiscal year as follows:	35441

(1) Calculate the district's classroom teacher cost for	35442
that fiscal year as follows:	35443
(a) Determine the full-time equivalency of students in the	35444
district's base cost enrolled ADM for that fiscal year that are	35445
enrolled in kindergarten and divide that number by 20;	35446
(b) Determine the full-time equivalency of students in the	35447
district's base cost enrolled ADM for that fiscal year that are	35448
enrolled in grades one through three and divide that number by	35449
23;	35450
(c) Determine the full-time equivalency of students in the	35451
district's base cost enrolled ADM for that fiscal year that are	35452
enrolled in grades four through eight but are not enrolled in a	35453
career-technical education program or class described under	35454
section 3317.014 of the Revised Code and divide that number by	35455
25;	35456
(d) Determine the full-time equivalency of students in the	35457
district's base cost enrolled ADM for that fiscal year that are	35458
enrolled in grades nine through twelve but are not enrolled in a	35459
career-technical education program or class described under	35460
section 3317.014 of the Revised Code and divide that number by	35461
27;	35462
(e) Determine the full-time equivalency of students in the	35463
district's base cost enrolled ADM for that fiscal year that are	35464
enrolled in a career-technical education program or class, as	35465
certified under divisions (B) (11), (12), (13), (14), and (15) of	35466
section 3317.03 of the Revised Code, and divide that number by	35467
18;	35468
(f) Compute the sum of the quotients obtained under	35469
divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	35470

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (f) of this section.

(2) Calculate the district's special teacher cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;

(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.

(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;

(b) Compute the substitute teacher cost in accordance with the following formula:

[The sum computed under division (D) (1) (f) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D) (3) (a) of this section X 5

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:

[The sum computed under division (D) (1) (f) of this section + 35499
(the greater of the quotient obtained under division (D) (2) (a) 35500
of this section and 6)] X [(the sum of divisions (A) (10) (a) and 35501
(b) of this section for that fiscal year)/180] X 4 35502

(5) Calculate the district's teacher base cost for that 35503
fiscal year, which equals the sum of divisions (D) (1), (2), (3), 35504
and (4) of this section. 35505

(E) The department shall compute a district's student 35506
support base cost for a fiscal year as follows: 35507

(1) Calculate the district's guidance counselor cost for 35508
that fiscal year as follows: 35509

(a) Determine the number of students in the district's 35510
base cost enrolled ADM for that fiscal year that are enrolled in 35511
grades nine through twelve and divide that number by 360; 35512

(b) Compute the counselor cost in accordance with the 35513
following formula: 35514

(The greater of the quotient obtained under division (E) (1) (a) 35515
of this section and 1) X [(the average counselor salary for that 35516
fiscal year X 1.16) + the amount specified under division (A) 35517
(10) (c) of this section for that fiscal year] 35518

(2) Calculate the district's librarian and media staff 35519
cost for that fiscal year as follows: 35520

(a) Divide the district's base cost enrolled ADM for that 35521
fiscal year by 1,000; 35522

(b) Compute the librarian and media staff cost in 35523
accordance with the following formula: 35524

The quotient obtained under division (E) (2) (a) of this section X 35525

[(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 35526
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(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows: 35529
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(a) Divide the district's base cost enrolled ADM for that fiscal year by 250; 35531
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(b) Compute the staffing cost for student wellness and success in accordance with the following formula: 35533
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(The greater of the quotient obtained under division (E) (3) (a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 35535
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(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows: 35539
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(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2018 data; 35541
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(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 data as specified under division (E) (4) (a) of this section; 35545
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(c) Compute the academic co-curricular activities cost in accordance with the following formula: 35548
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(The amount determined under division (E) (4) (a) of this section / the sum determined under division (E) (4) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is 35550
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computed	35554
(5) Calculate the district's building safety and security cost for that fiscal year as follows:	35555
	35556
(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2018 data;	35557
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	35559
	35560
(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E) (5) (a) of this section using fiscal year 2018 data;	35561
	35562
	35563
(c) Compute the building safety and security cost in accordance with the following formula:	35564
	35565
(The amount determined under division (E) (5) (a) of this section / the sum determined under division (E) (5) (a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed	35566
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	35569
(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:	35570
	35571
(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department using fiscal year 2018 data;	35572
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	35575
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 data as specified under division (E) (6) (a) of this section;	35576
	35577
	35578
(c) Compute the supplies and academic content cost in accordance with the following formula:	35579
	35580

(The amount determined under division (E) (6) (a) of this section / the sum determined under division (E) (6) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

$\$37.50 \times$ the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E) (1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to $[(\$160,000 \times 1.16) +$ the amount specified under division (A) (10) (c) of this section for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X $\{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\}$;

(ii) $(\$80,000 \times 1.16) +$ the amount specified under

division (A) (10) (c) of this section for that fiscal year. 35609

(c) If the district's base cost enrolled ADM is less than 35610
500, then the district's superintendent cost shall be equal to 35611
[($\$80,000 \times 1.16$) + the amount specified under division (A) (10) 35612
(c) of this section for that fiscal year]. 35613

(2) Calculate the district's treasurer cost for that 35614
fiscal year as follows: 35615

(a) If the district's base cost enrolled ADM for that 35616
fiscal year is greater than 4,000, then the district's treasurer 35617
cost shall be equal to [($\$130,000 \times 1.16$) + the amount specified 35618
under division (A) (10) (c) of this section for that fiscal year]. 35619

(b) If the district's base cost enrolled ADM for that 35620
fiscal year is less than or equal to 4,000 but greater than or 35621
equal to 500, the district's treasurer cost shall be equal to 35622
the sum of the following: 35623

(i) (The district's base cost enrolled ADM for that fiscal 35624
year - 500) X {[($\$130,000 \times 1.16$) - ($\$60,000 \times 1.16$)]/3500}; 35625

(ii) ($\$60,000 \times 1.16$) + the amount specified under 35626
division (A) (10) (c) of this section for that fiscal year. 35627

(c) If the district's base cost enrolled ADM is less than 35628
500, then the district's treasurer cost shall be equal to 35629
[($\$60,000 \times 1.16$) + the amount specified under division (A) (10) 35630
(c) of this section for that fiscal year]. 35631

(3) Calculate the district's other district administrator 35632
cost for that fiscal year as follows: 35633

(a) Divide the average other district administrator salary 35634
for that fiscal year by the average superintendent salary for 35635
that fiscal year; 35636

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 35637
35638

(c) Compute the other district administrator cost in accordance with the following formula: 35639
35640

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (F) (3) (a) of this section] + the amount specified under division (A) (10) (c) of this section} X (the greater of the quotient obtained under division (F) (3) (b) of this section and 2) 35641
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(4) Calculate the district's fiscal support cost for that fiscal year as follows: 35648
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(a) Divide the district's base cost enrolled ADM for that fiscal year by 850; 35650
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(b) Determine the lesser of the following: 35652

(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2; 35653
35654

(ii) 35. 35655

(c) Compute the fiscal support cost in accordance with the following formula: 35656
35657

The number obtained under division (F) (4) (b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year] 35658
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(5) Calculate the district's education management information system support cost for that fiscal year as follows: 35662
35663

(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	35664 35665
(b) Compute the education management information system support cost in accordance with the following formula:	35666 35667
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35668 35669 35670 35671 35672
(6) Calculate the district's leadership support cost for that fiscal year as follows:	35673 35674
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that number;	35675 35676 35677
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	35678 35679
(c) Compute the leadership support cost in accordance with the following formula:	35680 35681
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35682 35683 35684 35685
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	35686 35687 35688
\$31 X the district's base cost enrolled ADM for that fiscal year	35689
(8) Calculate the district's district leadership and	35690

accountability base cost for that fiscal year, which equals the 35691
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 35692
this section. 35693

(G) The department shall compute a district's building 35694
leadership and operations base cost for a fiscal year as 35695
follows: 35696

(1) Calculate the district's building leadership cost for 35697
that fiscal year as follows: 35698

(a) Divide the average principal salary for that fiscal 35699
year by the average superintendent salary for that fiscal year; 35700

(b) Divide the district's base cost enrolled ADM for that 35701
fiscal year by 450; 35702

(c) Compute the building leadership cost in accordance 35703
with the following formula: 35704

{[(The district's superintendent cost for that fiscal year 35705
calculated under division (F) (1) of this section - the amount 35706
specified under division (A) (10) (c) of this section for that 35707
fiscal year) X the quotient obtained under division (G) (1) (a) of 35708
this section] + the amount specified under division (A) (10) (c) 35709
of this section for that fiscal year} X the quotient obtained 35710
under division (G) (1) (b) of this section 35711

(2) Calculate the district's building leadership support 35712
cost for that fiscal year as follows: 35713

(a) Divide the district's base cost enrolled ADM for that 35714
fiscal year by 400; 35715

(b) Determine the number of school buildings in the 35716
district for that fiscal year; 35717

(c) Compute the building leadership support cost in accordance with the following formula:

(i) If the quotient obtained under division (G) (2) (a) of this section is less than the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.

(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Using data for the six most recent fiscal years for which data is available, determine both of the following:

(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The six-year average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance 35747
with the following formula: 35748

The district's base cost enrolled ADM for that fiscal year 35749
X [(the number determined under division (G) (3) (a) (i) of this 35750
section X the number determined under division (G) (3) (a) (ii) of 35751
this section) - (the amount determined under division (E) (5) (a) 35752
of this section for that fiscal year/ the sum determined under 35753
division (E) (5) (b) of this section for that fiscal year)] 35754

(4) Calculate the district's building leadership and 35755
operations base cost for that fiscal year, which equals the sum 35756
of divisions (G) (1), (2), and (3) of this section. 35757

(H) If a district is an eligible school district, the 35758
department shall compute the district's athletic co-curricular 35759
activities base cost for a fiscal year as follows: 35760

(1) Determine the total amount of spending for athletic 35761
co-curricular activities reported by city, local, and exempted 35762
village school districts to the department for that fiscal year; 35763

(2) Determine the sum of the enrolled ADM of every school 35764
district in the state for that fiscal year; 35765

(3) Compute the district's athletic co-curricular 35766
activities base cost in accordance with the following formula: 35767

(The amount determined under division (H) (1) of this section / 35768
the sum determined under division (H) (2) of this section) X the 35769
district's base cost enrolled ADM for the fiscal year for which 35770
the funds for athletic co-curricular activities are computed 35771

Sec. 3317.012. This section shall apply only for fiscal 35772
years 2022 and 2023. 35773

(A) As used in this section, "average administrative 35774

assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following:

(1) The average salaries determined under divisions (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under division (A) (10) (b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under division (A) (10) (c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E) (4) (a), (E) (5) (a), and (H) (1) of section 3317.011 of the Revised Code and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), and (H) (2) of that section;

(5) The information determined under division (G) (3) of section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base cost for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed

under division (D) of this section + the district's student

support base cost for that fiscal year computed under division 35803
(E) of this section + the district's leadership and 35804
accountability base cost for that fiscal year computed under 35805
division (F) of this section + the district's building 35806
leadership and operations base cost for that fiscal year 35807
computed under division (G) of this section 35808

(D) The department of education and workforce shall 35809
compute a district's teacher base cost for a fiscal year as 35810
follows: 35811

(1) Calculate the district's classroom teacher cost for 35812
that fiscal year as follows: 35813

(a) Determine the full-time equivalency of students in the 35814
district's base cost enrolled ADM for that fiscal year that are 35815
enrolled in a career-technical education program or class, as 35816
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of 35817
section 3317.03 of the Revised Code, and divide that number by 35818
18; 35819

(b) Determine the full-time equivalency of students in the 35820
district's base cost enrolled ADM for that fiscal year that are 35821
enrolled in grades six through eight but are not enrolled in a 35822
career-technical education program or class described under 35823
section 3317.014 of the Revised Code and divide that number by 35824
25; 35825

(c) Determine the full-time equivalency of students in the 35826
district's base cost enrolled ADM for that fiscal year that are 35827
enrolled in grades nine through twelve but are not enrolled in a 35828
career-technical education program or class described under 35829
section 3317.014 of the Revised Code and divide that number by 35830
27; 35831

(d) Compute the sum of the quotients obtained under divisions (D) (1) (a), (b), and (c) of this section;	35832 35833
(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D) (1) (d) of this section.	35834 35835 35836
(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows:	35837 35838 35839 35840 35841 35842 35843 35844
(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;	35845 35846
(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.	35847 35848 35849 35850
(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.	35851 35852 35853 35854
(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	35855 35856
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	35857 35858 35859

(b) Compute the substitute teacher cost in accordance with the following formula:	35860 35861
[The sum computed under division (D) (1) (d) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D) (3) (a) of this section X 5	35862 35863 35864 35865
(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	35866 35867
[The sum computed under division (D) (1) (d) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X [(the sum of divisions (A) (10) (a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4	35868 35869 35870 35871 35872
(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D) (1), (2), (3), and (4) of this section.	35873 35874 35875
(E) The department shall compute a district's student support base cost for a fiscal year as follows:	35876 35877
(1) Calculate the district's guidance counselor cost for that fiscal year as follows:	35878 35879
(a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;	35880 35881 35882
(b) Compute the counselor cost in accordance with the following formula:	35883 35884
(The greater of the quotient obtained under division (E) (1) (a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)	35885 35886 35887

(10) (c) of section 3317.011 of the Revised Code for that fiscal	35888
year]	35889
(2) Calculate the district's librarian and media staff	35890
cost for that fiscal year as follows:	35891
(a) Divide the district's base cost enrolled ADM for that	35892
fiscal year by 1,000;	35893
(b) Compute the librarian and media staff cost in	35894
accordance with the following formula:	35895
The quotient obtained under division (E) (2) (a) of this section X	35896
[(the average librarian and media staff salary for that fiscal	35897
year X 1.16) + the amount specified under division (A) (10) (c) of	35898
section 3317.011 of the Revised Code for that fiscal year]	35899
(3) Calculate the district's staffing cost for student	35900
wellness and success for that fiscal year as follows:	35901
(a) Divide the district's base cost enrolled ADM for that	35902
fiscal year by 250;	35903
(b) Compute the staffing cost for student wellness and	35904
success in accordance with the following formula:	35905
The quotient obtained under division (E) (3) (a) of this section X	35906
[(the average counselor salary for that fiscal year X 1.16) +	35907
the amount specified under division (A) (10) (c) of section	35908
3317.011 of the Revised Code for that fiscal year]	35909
(4) Calculate the district's cost for that fiscal year for	35910
career-technical curriculum specialists and coordinators, career	35911
assessment and program placement, recruitment and orientation,	35912
student success coordination, analysis of test results,	35913
development of intervention and remediation plans and monitoring	35914
of those plans, and satellite program coordination in accordance	35915

with the following formula: 35916

[(The amount determined under division (E) (4) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (4) (b) of section 3317.011 of the Revised Code) + (the amount determined under division (H) (1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H) (2) of section 3317.011 of the Revised Code)] X the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed 35917
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(5) Compute the district's building safety and security cost for that fiscal year in accordance with the following formula: 35926
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(The amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (5) (b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed 35929
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(6) Compute the district's supplies and academic content cost for that fiscal year in accordance with the following formula: 35935
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(The amount determined under division (E) (6) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (6) (b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed 35938
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(7) Calculate the district's technology cost for that 35944

fiscal year in accordance with the following formula:	35945
\$37.50 X the district's base cost enrolled ADM for that fiscal	35946
year	35947
(8) Calculate the district's student support base cost for	35948
that fiscal year, which equals the sum of divisions (E) (1), (2),	35949
(3), (4), (5), (6), and (7) of this section.	35950
(F) The department shall compute a district's leadership	35951
and accountability base cost for a fiscal year as follows:	35952
(1) Calculate the district's superintendent cost for that	35953
fiscal year as follows:	35954
(a) If the district's base cost enrolled ADM for that	35955
fiscal year is greater than 4,000, then the district's	35956
superintendent cost shall be equal to [(\$160,000 X 1.16) + the	35957
amount specified under division (A) (10) (c) of section 3317.011	35958
of the Revised Code for that fiscal year].	35959
(b) If the district's base cost enrolled ADM for that	35960
fiscal year is less than or equal to 4,000 but greater than or	35961
equal to 500, the district's superintendent cost shall be equal	35962
to the sum of the following:	35963
(i) (The district's base cost enrolled ADM for that fiscal	35964
year - 500) X {[(\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500};	35965
(ii) (\$80,000 X 1.16) + the amount specified under	35966
division (A) (10) (c) of section 3317.011 of the Revised Code for	35967
that fiscal year.	35968
(c) If the district's base cost enrolled ADM is less than	35969
500, then the district's superintendent cost shall be equal to	35970
[(\$80,000 X 1.16) + the amount specified under division (A) (10)	35971
(c) of section 3317.011 of the Revised Code for that fiscal	35972

year]. 35973

(2) Calculate the district's treasurer cost for that 35974
fiscal year as follows: 35975

(a) If the district's base cost enrolled ADM for that 35976
fiscal year is greater than 4,000, then the district's treasurer 35977
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}]$ 35978
under division (A) (10) (c) of section 3317.011 of the Revised 35979
Code for that fiscal year]. 35980

(b) If the district's base cost enrolled ADM for that 35981
fiscal year is less than or equal to 4,000 but greater than or 35982
equal to 500, the district's treasurer cost shall be equal to 35983
the sum of the following: 35984

(i) (The district's base cost enrolled ADM for that fiscal 35985
year - 500) $\times \{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 35986

(ii) $(\$60,000 \times 1.16) + \text{the amount specified under}$ 35987
division (A) (10) (c) of section 3317.011 of the Revised Code for 35988
that fiscal year. 35989

(c) If the district's base cost enrolled ADM is less than 35990
500, then the district's treasurer cost shall be equal to 35991
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 35992
 $(c) \text{ of section 3317.011 of the Revised Code for that fiscal}$ 35993
 $\text{year}]$. 35994

(3) Calculate the district's other district administrator 35995
cost for that fiscal year as follows: 35996

(a) Divide the average other district administrator salary 35997
for that fiscal year by the average superintendent salary for 35998
that fiscal year; 35999

(b) Divide the district's base cost enrolled ADM for that 36000

fiscal year by 750; 36001

(c) Compute the other district administrator cost in 36002
accordance with the following formula: 36003

{[(The district's superintendent cost for that fiscal year 36004
calculated under division (F) (1) of this section - the amount 36005
specified under division (A) (10) (c) of section 3317.011 of the 36006
Revised Code for that fiscal year) X the quotient obtained under 36007
division (F) (3) (a) of this section] + the amount specified under 36008
division (A) (10) (c) of section 3317.011 of the Revised Code} X 36009
(the greater of the quotient obtained under division (F) (3) (b) 36010
of this section and 2) 36011

(4) Calculate the district's fiscal support cost for that 36012
fiscal year as follows: 36013

(a) Divide the district's base cost enrolled ADM for that 36014
fiscal year by 850; 36015

(b) Determine the lesser of the following: 36016

(i) The maximum of the quotient obtained under division 36017
(F) (4) (a) of this section and 2; 36018

(ii) 35. 36019

(c) Compute the fiscal support cost in accordance with the 36020
following formula: 36021

The number obtained under division (F) (4) (b) of this section X 36022
[(the average bookkeeping and accounting employee salary for 36023
that fiscal year X 1.16) + the amount specified under division 36024
(A) (10) (c) of section 3317.011 of the Revised Code for that 36025
fiscal year] 36026

(5) Calculate the district's education management 36027

information system support cost for that fiscal year as follows:	36028
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	36029 36030
(b) Compute the education management information system support cost in accordance with the following formula:	36031 36032
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	36033 36034 36035 36036 36037
(6) Calculate the district's leadership support cost for that fiscal year as follows:	36038 36039
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2 and add 1 to that number;	36040 36041 36042
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	36043 36044
(c) Compute the leadership support cost in accordance with the following formula:	36045 36046
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	36047 36048 36049 36050 36051
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	36052 36053 36054

\$31 X the district's base cost enrolled ADM for that fiscal year 36055

(8) Calculate the district's district leadership and 36056
accountability base cost for that fiscal year, which equals the 36057
sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of 36058
this section; 36059

(G) The department shall compute a district's building 36060
leadership and operations base cost for a fiscal year as 36061
follows: 36062

(1) Calculate the district's building leadership cost for 36063
that fiscal year as follows: 36064

(a) Divide the average principal salary for that fiscal 36065
year by the average superintendent salary for that fiscal year; 36066

(b) Divide the district's base cost enrolled ADM for that 36067
fiscal year by 450; 36068

(c) Compute the building leadership cost in accordance 36069
with the following formula: 36070

{[(The district's superintendent cost for that fiscal year 36071
calculated under division (F) (1) of this section - the amount 36072
specified under division (A) (10) (c) of section 3317.011 of the 36073
Revised Code for that fiscal year) X the quotient obtained under 36074
division (G) (1) (a) of this section] + the amount specified under 36075
division (A) (10) (c) of section 3317.011 of the Revised Code for 36076
that fiscal year} X the quotient obtained under division (G) (1) 36077
(b) of this section 36078

(2) Calculate the district's building leadership support 36079
cost for that fiscal year as follows: 36080

(a) Divide the district's base cost enrolled ADM for that 36081
fiscal year by 400; 36082

(b) Determine the number of school buildings in the district for that fiscal year; 36083
36084

(c) Compute the building leadership support cost in accordance with the following formula: 36085
36086

(i) If the quotient obtained under division (G) (2) (a) of this section is less than the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G) (2) (b) of this section X [(the average clerical staff salary X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}]. 36087
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(ii) If the quotient obtained under division (G) (2) (a) of this section is greater than or equal to the number obtained under division (G) (2) (b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G) (2) (b) of this section X 3) and the quotient obtained under division (G) (2) (a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]}]. 36095
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(3) Compute the district's building operations cost for that fiscal year in accordance with the following formula: 36104
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The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G) (3) (a) (i) of section 3317.011 of the Revised Code X the number determined under division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) - (the amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum 36106
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determined under division (E) (5) (b) of section 3317.011 of the Revised Code for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

Sec. 3317.014. (A) The multiples for the following categories of career-technical education programs approved by the department of education and workforce under section 3317.161 of the Revised Code shall be as follows:

(1) A multiple of 0.6230 for students enrolled in career-technical education workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(2) A multiple of 0.5905 for students enrolled in workforce development programs in business and administration, hospitality and tourism, human services, law and public safety, transportation systems, and arts and communications, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

(3) A multiple of 0.2154 for students enrolled in career-based intervention programs, which shall be defined by the department in consultation with the governor's office of workforce transformation;

(4) A multiple of 0.1830 for students enrolled in workforce development programs in education and training,

marketing, workforce development academics, public 36141
administration, and career development, each of which shall be 36142
defined by the department ~~of education~~ in consultation with the 36143
governor's office of workforce transformation; 36144

(5) A multiple of 0.1570 for students enrolled in family 36145
and consumer science programs, which shall be defined by the 36146
department ~~of education~~ in consultation with the governor's 36147
office of workforce transformation. 36148

(B) The multiple for career-technical education associated 36149
services, as defined by the department, shall be 0.0294. 36150

(C) The department ~~of education~~ shall calculate career- 36151
technical education funds for each funding unit that is a city, 36152
local, exempted village, or joint vocational school district or 36153
the community and STEM school unit as follows: 36154

(1) For fiscal years 2022 and 2023, the sum of the 36155
following: 36156

(a) The funding unit's category one career-technical 36157
education ADM X the multiple specified in division (A) (1) of 36158
this section X the statewide average career-technical base cost 36159
per pupil for that fiscal year X if the funding unit is a city, 36160
local, exempted village, or joint vocational school district, 36161
the district's state share percentage; 36162

(b) The funding unit's category two career-technical 36163
education ADM X the multiple specified in division (A) (2) of 36164
this section X the statewide average career-technical base cost 36165
per pupil for that fiscal year X if the funding unit is a city, 36166
local, exempted village, or joint vocational school district, 36167
the district's state share percentage; 36168

(c) The funding unit's category three career-technical 36169

education ADM X the multiple specified in division (A) (3) of 36170
this section X the statewide average career-technical base cost 36171
per pupil for that fiscal year X if the funding unit is a city, 36172
local, exempted village, or joint vocational school district, 36173
the district's state share percentage; 36174

(d) The funding unit's category four career-technical 36175
education ADM X the multiple specified in division (A) (4) of 36176
this section X the statewide average career-technical base cost 36177
per pupil for that fiscal year X if the funding unit is a city, 36178
local, exempted village, or joint vocational school district, 36179
the district's state share percentage; 36180

(e) The funding unit's category five career-technical 36181
education ADM X the multiple specified in division (A) (5) of 36182
this section X the statewide average career-technical base cost 36183
per pupil for that fiscal year X if the funding unit is a city, 36184
local, exempted village, or joint vocational school district, 36185
the district's state share percentage. 36186

(2) For fiscal year 2024 and each fiscal year thereafter, 36187
the sum of the following: 36188

(a) An amount calculated in a manner determined by the 36189
general assembly times the funding unit's category one career- 36190
technical education ADM; 36191

(b) An amount calculated in a manner determined by the 36192
general assembly times the funding unit's category two career- 36193
technical education ADM; 36194

(c) An amount calculated in a manner determined by the 36195
general assembly times the funding unit's category three career- 36196
technical education ADM; 36197

(d) An amount calculated in a manner determined by the 36198

general assembly times the funding unit's category four career-technical education ADM; 36199
36200

(e) An amount calculated in a manner determined by the 36201
general assembly times the funding unit's category five career- 36202
technical education ADM. 36203

(3) Payment of funds calculated under division (C) of this 36204
section is subject to approval under section 3317.161 of the 36205
Revised Code. 36206

(D) Subject to division (I) of section 3317.023 of the 36207
Revised Code, the department shall calculate career-technical 36208
associated services funds for each funding unit that is a city, 36209
local, exempted village, or joint vocational school district or 36210
the community and STEM school unit as follows: 36211

(1) For fiscal years 2022 and 2023, the following product: 36212

(If the funding unit is a city, local, exempted village, or 36213
joint vocational school district, the funding unit's state share 36214
percentage) X the multiple for career-technical education 36215
associated services specified under division (B) of this section 36216
X the statewide average career-technical base cost per pupil for 36217
that fiscal year X the sum of the funding unit's categories one 36218
through five career-technical education ADM 36219

(2) For fiscal year 2024 and each fiscal year thereafter, 36220
an amount calculated in a manner determined by the general 36221
assembly times the funding unit's categories one through five 36222
career-technical education ADM. 36223

(E) (1) In accordance with division (I) of section 3317.023 36224
of the Revised Code, the department shall compute career 36225
awareness and exploration funds for each city, local, exempted 36226
village, and joint vocational school district, community school 36227

established under Chapter 3314. of the Revised Code, and STEM 36228
school established under Chapter 3326. of the Revised Code that 36229
is part of a career technical planning district. The department 36230
shall pay the lead district in each career technical planning 36231
district as follows: 36232

(a) For fiscal years 2022 and 2023, an amount equal to the 36233
following product: 36234

The sum of enrolled ADM for all districts and schools within the 36235
career technical planning district X \$2.50, for fiscal year 36236
2022, or \$5, for fiscal year 2023 36237

(b) For fiscal year 2024 and each fiscal year thereafter, 36238
an amount calculated in a manner determined by the general 36239
assembly, if the general assembly authorizes such a payment to 36240
city, local, exempted village, and joint vocational school 36241
districts, community schools, and STEM schools. 36242

(2) The lead district of a career technical planning 36243
district shall use career awareness and exploration funds in 36244
accordance with division (H) of this section. 36245

(F)(1) In any fiscal year, a school district receiving 36246
funds calculated under division (C) of this section shall spend 36247
those funds only for the purposes that the department designates 36248
as approved for career-technical education expenses. Career- 36249
technical education expenses approved by the department shall 36250
include only expenses connected to the delivery of career- 36251
technical programming to career-technical students. The 36252
department shall require the school district to report data 36253
annually so that the department may monitor the district's 36254
compliance with the requirements regarding the manner in which 36255
funding calculated under division (C) of this section may be 36256

spent. 36257

(2) All funds received under division (C) of this section 36258
shall be spent in the following manner: 36259

(a) At least seventy-five per cent of the funds shall be 36260
spent on curriculum development, purchase, and implementation; 36261
instructional resources and supplies; industry-based program 36262
certification; student assessment, credentialing, and placement; 36263
curriculum specific equipment purchases and leases; career- 36264
technical student organization fees and expenses; home and 36265
agency linkages; work-based learning experiences; professional 36266
development; and other costs directly associated with career- 36267
technical education programs including development of new 36268
programs. 36269

(b) Not more than twenty-five per cent of the funds shall 36270
be used for personnel expenditures. 36271

(G) In any fiscal year, a school district receiving funds 36272
calculated under division (D) of this section, or through a 36273
transfer of funds pursuant to division (I) of section 3317.023 36274
of the Revised Code, shall spend those funds only for the 36275
purposes that the department designates as approved for career- 36276
technical education associated services expenses, which may 36277
include such purposes as apprenticeship coordinators, 36278
coordinators for other career-technical education services, 36279
career-technical evaluation, and other purposes designated by 36280
the department. The department may deny payment of funds 36281
calculated under division (D) of this section to any district 36282
that the department determines is not operating those services 36283
or is using funds calculated under division (D) of this section, 36284
or through a transfer of funds pursuant to division (I) of 36285
section 3317.023 of the Revised Code, for other purposes. 36286

(H) In any fiscal year, a lead district of a career-technical planning district receiving funds under division (E) of this section, shall utilize those funds to deliver relevant career awareness and exploration programs to all students within its career technical planning district in a manner that is consistent with the career-technical planning district's plan that is on file with the department ~~of education~~. The lead district that receives funds under this division shall spend those funds only for the following purposes:

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;

(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;

(3) Assistance to teachers in providing a career development curriculum to students;

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level.

The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.

Sec. 3317.015. (A) In addition to the information certified to the department of education and workforce and the office of budget and management under division (A) of section 3317.021 of the Revised Code, the tax commissioner shall, at the same time, certify the following information to the department

and the office of budget and management for each city, exempted 36316
village, and local school district to be used for the same 36317
purposes as described under that division: 36318

(1) The taxable value of the school district's carryover 36319
property, as defined in section 319.301 of the Revised Code, for 36320
the preceding tax year; 36321

(2) The increase in such carryover value, if any, between 36322
the second preceding tax year and the preceding tax year as used 36323
in calculating the percentage reduction under section 319.301 of 36324
the Revised Code. 36325

(B) For each fiscal year the department of education and 36326
workforce shall calculate each school district's recognized 36327
valuation in the following manner: 36328

(1) For a school district located in a county in which a 36329
reappraisal or triennial update occurred in the preceding tax 36330
year, the recognized valuation equals the district's total 36331
taxable value for the preceding tax year minus two-thirds times 36332
the increase in the carryover value from the second preceding 36333
tax year to the preceding tax year. 36334

(2) For a school district located in a county in which a 36335
reappraisal or triennial update occurred in the second preceding 36336
tax year, the recognized valuation equals the district's total 36337
taxable value for the preceding tax year minus one-third times 36338
the increase in the carryover value from the third preceding tax 36339
year to the second preceding tax year. 36340

(3) For a school district located in a county in which a 36341
reappraisal or triennial update occurred in the third preceding 36342
tax year, the recognized valuation equals the district's total 36343
taxable value for the preceding tax year. 36344

Sec. 3317.017. This section shall apply only for fiscal 36345
years 2022 and 2023. 36346

(A) The department of education and workforce shall 36347
compute a city, local, or exempted village school district's 36348
per-pupil local capacity amount for a fiscal year as follows: 36349

(1) Calculate the district's valuation per pupil for that 36350
fiscal year as follows: 36351

(a) Determine the minimum of the district's three-year 36352
average valuation for the fiscal year for which the calculation 36353
is made and the district's taxable value for the most recent tax 36354
year for which data is available; 36355

(b) Divide the amount determined under division (A) (1) (a) 36356
of this section by the district's base cost enrolled ADM for the 36357
fiscal year for which the calculation is made. 36358

(2) Calculate the district's local share federal adjusted 36359
gross income per pupil for that fiscal year as follows: 36360

(a) Determine the minimum of the following: 36361

(i) The average of the total federal adjusted gross income 36362
of the district's residents for the three most recent tax years 36363
for which data is available, as certified under section 3317.021 36364
of the Revised Code; 36365

(ii) The total federal adjusted gross income of the 36366
district's residents for the most recent tax year for which data 36367
is available, as certified under section 3317.021 of the Revised 36368
Code. 36369

(b) Divide the amount determined under division (A) (2) (a) 36370
of this section by the district's base cost enrolled ADM for the 36371
fiscal year for which the calculation is made. 36372

(3) Calculate the district's adjusted local share federal adjusted gross income per pupil for that fiscal year as follows:	36373 36374
(a) Determine both of the following:	36375
(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;	36376 36377 36378 36379
(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.	36380 36381 36382 36383
(b) Compute the product of divisions (A) (3) (a) (i) and (ii) of this section;	36384 36385
(c) Divide the amount determined under division (A) (3) (b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.	36386 36387 36388
(4) Calculate the district's per-pupil local capacity percentage as follows:	36389 36390
(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A) (3) (a) (i) of this section for that fiscal year;	36391 36392 36393
(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A) (3) (a) (i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A) (4) (a) of this section;	36394 36395 36396 36397 36398
(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the	36399 36400

district with the highest ratio calculated under division (A) (4) 36401
(b) of this section to the district with the lowest ratio 36402
calculated under division (A) (4) (b) of this section; 36403

(d) Determine the district's per-pupil local capacity 36404
percentage as follows: 36405

(i) If the ratio calculated for the district under 36406
division (A) (4) (b) of this section is greater than or equal to 36407
the ratio calculated under division (A) (4) (b) of this section 36408
for the district with the fortieth highest ratio as determined 36409
under division (A) (4) (c) of this section, the district's per- 36410
pupil local capacity percentage shall be equal to 0.025. 36411

(ii) If the ratio calculated for the district under 36412
division (A) (4) (b) of this section is less than the ratio 36413
calculated under division (A) (4) (b) of this section for the 36414
district with the fortieth highest ratio as determined under 36415
division (A) (4) (c) of this section but greater than 1.0, the 36416
district's per-pupil local capacity percentage shall be equal to 36417
an amount calculated as follows: 36418

{[(The ratio calculated for the district under division 36419
(A) (4) (b) of this section - 1) X 0.0025]/ (the ratio calculated 36420
under division (A) (4) (b) of this section for the district with 36421
the fortieth highest ratio as determined under division (A) (4) 36422
(c) of this section - 1)} + 0.0225 36423

(iii) If the ratio calculated for the district under 36424
division (A) (4) (b) of this section is less than or equal to 1.0, 36425
the district's per-pupil local capacity percentage shall be 36426
equal to the amount calculated under division (A) (4) (b) of this 36427
section times 0.0225. 36428

(5) Calculate the district's per-pupil local capacity 36429

amount for that fiscal year as follows: 36430

(The district's valuation per pupil calculated under division 36431
(A) (1) of this section for that fiscal year X the district's 36432
per-pupil local capacity percentage calculated under division 36433
(A) (4) of this section X 0.60) + (the district's local share 36434
adjusted federal gross income per pupil calculated under 36435
division (A) (2) of this section for that fiscal year X the 36436
district's per-pupil local capacity percentage calculated under 36437
division (A) (4) of this section X 0.20) + (the district's 36438
adjusted local share federal adjusted gross income per pupil 36439
calculated under division (A) (3) of this section for that fiscal 36440
year X the district's per-pupil local capacity percentage 36441
calculated under division (A) (4) of this section X 0.20) 36442

(B) The department shall compute a city, local, or 36443
exempted village school district's state share for a fiscal year 36444
as follows: 36445

(1) If the district's per-pupil local capacity amount for 36446
that fiscal year divided by the district's base cost per pupil 36447
for that fiscal year is greater than 0.95, then the district's 36448
state share shall be equal to (the district's base cost per 36449
pupil for that fiscal year X 0.05 X the district's enrolled ADM 36450
for that fiscal year). 36451

(2) If the district's per-pupil local capacity amount for 36452
that fiscal year divided by the district's base cost per pupil 36453
for that fiscal year is less than or equal to 0.95, then the 36454
district's state share for that fiscal year shall be equal to 36455
[(the district's base cost per pupil for that fiscal year - the 36456
district's per-pupil local capacity amount for that fiscal year) 36457
X the district's enrolled ADM for that fiscal year]. 36458

(C) The department shall compute a city, local, or
exempted village school district's state share percentage for a
fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year
- the district's per pupil local capacity amount for that fiscal
year)/(the district's base cost per pupil amount for that fiscal
year).

If the result is less than 0.05, the state share percentage
shall be 0.05.

Sec. 3317.019. (A) (1) Subject to division (C) of this
section, for fiscal years 2022 and 2023, the department of
education and workforce shall pay temporary transitional aid to
each city, local, and exempted village school district according
to the following formula:

(The district's funding base, as that term is defined in section
3317.02 of the Revised Code) - (the district's payment under
section 3317.022 of the Revised Code - the district's payment
for supplemental targeted assistance under section 3317.0218 of
the Revised Code for the fiscal year for which each payment is
computed)

If the computation made under division (A) (1) of this
section results in a negative number, the district's funding
under division (A) (1) of this section shall be zero.

(2) For fiscal years 2022 and 2023, the department shall
pay temporary transitional transportation aid to that district
according to the following formula:

(The amount calculated for the district for fiscal year 2020
under division (A) (2) of Section 265.220 of H.B. 166 of the
133rd general assembly, prior to any funding reductions

authorized by Executive Order 2020-19D, "Implementing Additional 36488
Spending Controls to Balance the State Budget" issued on May 7, 36489
2020) - (the district's payment for fiscal year 2019 under 36490
division (D) (2) of section 3314.091 of the Revised Code as that 36491
division existed prior to September 30, 2021) - (the district's 36492
payment under section 3317.0212 of the Revised Code for the 36493
fiscal year for which the payment is computed) 36494

If the computation made under division (A) (2) of this 36495
section results in a negative number, the district's funding 36496
under division (A) (2) of this section shall be zero. 36497

(B) If a local school district participates in the 36498
establishment of a joint vocational school district that begins 36499
receiving payments under section 3317.16 of the Revised Code for 36500
fiscal year 2022 or fiscal year 2023, but does not receive 36501
payments for the fiscal year immediately preceding that fiscal 36502
year, the department shall adjust, as necessary, the district's 36503
funding base, as that term is defined in section 3317.02 of the 36504
Revised Code, according to the amounts received by the district 36505
in the immediately preceding fiscal year for career-technical 36506
education students who attend the newly established joint 36507
vocational school district. 36508

(C) (1) For purposes of division (C) of this section, a 36509
district's "decrease threshold" for a fiscal year is the greater 36510
of the following: 36511

(a) Twenty; 36512

(b) Ten per cent of the number of the district's students 36513
counted under division (A) (1) (b) of section 3317.03 of the 36514
Revised Code for the previous fiscal year. 36515

(2) For fiscal years 2022 and 2023, if a district has 36516

fewer students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive difference between the number of the district's students counted under division (A) (1) (b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district under division (A) of this section be less than zero.

Sec. 3317.02. As used in this chapter:

(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.

(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.

(C) For fiscal years 2022 and 2023, a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:

(1) The district's enrolled ADM for the previous fiscal year;

(2) The average of the district's enrolled ADM for the previous three fiscal years.

(D) (1) "Base cost per pupil" means the following for a city, local, or exempted village school district: 36545
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(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year; 36547
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(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 36551
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(2) "Base cost per pupil" means the following for a joint vocational school district: 36554
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(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year; 36556
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(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 36560
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(E) (1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (1) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (11) or (D) (2) (h) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code. 36563
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(2) "Category two career-technical education ADM" means 36574
the enrollment of students during the school year on a full-time 36575
equivalency basis in career-technical education programs 36576
described in division (A) (2) of section 3317.014 of the Revised 36577
Code and, in the case of a funding unit that is a city, local, 36578
exempted village, or joint vocational school district, certified 36579
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 36580
Revised Code or, in the case of the community and STEM school 36581
unit, reported by all community and STEM schools statewide under 36582
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36583
and division (D) of section 3326.32 of the Revised Code. 36584

(3) "Category three career-technical education ADM" means 36585
the enrollment of students during the school year on a full-time 36586
equivalency basis in career-technical education programs 36587
described in division (A) (3) of section 3317.014 of the Revised 36588
Code and, in the case of a funding unit that is a city, local, 36589
exempted village, or joint vocational school district, certified 36590
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 36591
Revised Code or, in the case of the community and STEM school 36592
unit, reported by all community and STEM schools statewide under 36593
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36594
and division (D) of section 3326.32 of the Revised Code. 36595

(4) "Category four career-technical education ADM" means 36596
the enrollment of students during the school year on a full-time 36597
equivalency basis in career-technical education programs 36598
described in division (A) (4) of section 3317.014 of the Revised 36599
Code and, in the case of a funding unit that is a city, local, 36600
exempted village, or joint vocational school district, certified 36601
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 36602
Revised Code or, in the case of the community and STEM school 36603
unit, reported by all community and STEM schools statewide under 36604

divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36605
and division (D) of section 3326.32 of the Revised Code. 36606

(5) "Category five career-technical education ADM" means 36607
the enrollment of students during the school year on a full-time 36608
equivalency basis in career-technical education programs 36609
described in division (A) (5) of section 3317.014 of the Revised 36610
Code and, in the case of a funding unit that is a city, local, 36611
exempted village, or joint vocational school district, certified 36612
under division (B) (15) or (D) (2) (1) of section 3317.03 of the 36613
Revised Code or, in the case of the community and STEM school 36614
unit, reported by all community and STEM schools statewide under 36615
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36616
and division (D) of section 3326.32 of the Revised Code. 36617

(F) (1) "Category one English learner ADM" means the full- 36618
time equivalent number of English learners described in division 36619
(A) of section 3317.016 of the Revised Code and, in the case of 36620
a funding unit that is a city, local, exempted village, or joint 36621
vocational school district, certified under division (B) (16) or 36622
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 36623
of the community and STEM school unit, reported by all community 36624
and STEM schools statewide under division (B) (6) of section 36625
3314.08 of the Revised Code and division (E) of section 3326.32 36626
of the Revised Code. 36627

(2) "Category two English learner ADM" means the full-time 36628
equivalent number of English learners described in division (B) 36629
of section 3317.016 of the Revised Code and, in the case of a 36630
funding unit that is a city, local, exempted village, or joint 36631
vocational school district, certified under division (B) (17) or 36632
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 36633
of the community and STEM school unit, reported by all community 36634

and STEM schools statewide under division (B) (6) of section 36635
3314.08 of the Revised Code and division (E) of section 3326.32 36636
of the Revised Code. 36637

(3) "Category three English learner ADM" means the full- 36638
time equivalent number of English learners described in division 36639
(C) of section 3317.016 of the Revised Code and, in the case of 36640
a funding unit that is a city, local, exempted village, or joint 36641
vocational school district, certified under division (B) (18) or 36642
(D) (2) (o) of section 3317.03 of the Revised Code or, in the case 36643
of the community and STEM school unit, reported by all community 36644
and STEM schools statewide under division (B) (6) of section 36645
3314.08 of the Revised Code and division (E) of section 3326.32 36646
of the Revised Code. 36647

(G) (1) "Category one special education ADM" means the 36648
full-time equivalent number of children with disabilities 36649
receiving special education services for the disability 36650
specified in division (A) of section 3317.013 of the Revised 36651
Code and, in the case of a funding unit that is a city, local, 36652
exempted village, or joint vocational school district, certified 36653
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 36654
Revised Code or, in the case of the community and STEM school 36655
unit, reported by all community and STEM schools statewide under 36656
division (B) (3) of section 3314.08 of the Revised Code and 36657
division (C) of section 3326.32 of the Revised Code. 36658

(2) "Category two special education ADM" means the full- 36659
time equivalent number of children with disabilities receiving 36660
special education services for those disabilities specified in 36661
division (B) of section 3317.013 of the Revised Code and, in the 36662
case of a funding unit that is a city, local, exempted village, 36663
or joint vocational school district, certified under division 36664

(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 36665
in the case of the community and STEM school unit, reported by 36666
all community and STEM schools statewide under division (B) (3) 36667
of section 3314.08 of the Revised Code and division (C) of 36668
section 3326.32 of the Revised Code. 36669

(3) "Category three special education ADM" means the full- 36670
time equivalent number of students receiving special education 36671
services for those disabilities specified in division (C) of 36672
section 3317.013 of the Revised Code, and, in the case of a 36673
funding unit that is a city, local, exempted village, or joint 36674
vocational school district, certified under division (B) (7) or 36675
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 36676
of the community and STEM school unit, reported by all community 36677
and STEM schools statewide under division (B) (3) of section 36678
3314.08 of the Revised Code and division (C) of section 3326.32 36679
of the Revised Code. 36680

(4) "Category four special education ADM" means the full- 36681
time equivalent number of students receiving special education 36682
services for those disabilities specified in division (D) of 36683
section 3317.013 of the Revised Code and, in the case of a 36684
funding unit that is a city, local, exempted village, or joint 36685
vocational school district, certified under division (B) (8) or 36686
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 36687
of the community and STEM school unit, reported by all community 36688
and STEM schools statewide under division (B) (3) of section 36689
3314.08 of the Revised Code and division (C) of section 3326.32 36690
of the Revised Code. 36691

(5) "Category five special education ADM" means the full- 36692
time equivalent number of students receiving special education 36693
services for the disabilities specified in division (E) of 36694

section 3317.013 of the Revised Code and, in the case of a 36695
funding unit that is a city, local, exempted village, or joint 36696
vocational school district, certified under division (B) (9) or 36697
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 36698
of the community and STEM school unit, reported by all community 36699
and STEM schools statewide under division (B) (3) of section 36700
3314.08 of the Revised Code and division (C) of section 3326.32 36701
of the Revised Code. 36702

(6) "Category six special education ADM" means the full- 36703
time equivalent number of students receiving special education 36704
services for the disabilities specified in division (F) of 36705
section 3317.013 of the Revised Code and, in the case of a 36706
funding unit that is a city, local, exempted village, or joint 36707
vocational school district certified under division (B) (10) or 36708
(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 36709
of the community and STEM school unit, reported by all community 36710
and STEM schools statewide under division (B) (3) of section 36711
3314.08 of the Revised Code and division (C) of section 3326.32 36712
of the Revised Code. 36713

(H) "Community and STEM school unit" means a unit that 36714
consists of all of the students enrolled in community schools 36715
established under Chapter 3314. of the Revised Code and science, 36716
technology, engineering, and mathematics schools established 36717
under Chapter 3326. of the Revised Code. 36718

(I) (1) "Economically disadvantaged index for a school 36719
district" means the following: 36720

(a) For fiscal years 2022 and 2023, the square of the 36721
quotient of that district's percentage of students in its 36722
enrolled ADM who are identified as economically disadvantaged as 36723
defined by the department of education and workforce, divided by 36724

the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation: 36725
36726

(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following: 36727
36728

(I) The enrolled ADM for all city, local, and exempted village school districts combined; 36729
36730

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code; 36731
36732

(III) The statewide enrollment of students in science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. 36733
36734
36735

(ii) For a joint vocational school district, the "statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined. 36736
36737
36738

(b) For fiscal year 2024 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly. 36739
36740
36741

(2) "Economically disadvantaged index for a community or STEM school" means the following: 36742
36743

(a) For fiscal years 2022 and 2023, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department ~~of education~~, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I) (1) (a) (i) of this section. 36744
36745
36746
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36750
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36752

(b) For fiscal year 2024 and each fiscal year thereafter, 36753
an index calculated in a manner determined by the general 36754
assembly. 36755

(J) "Educational choice scholarship unit" means a unit 36756
that consists of all of the students for whom educational choice 36757
scholarships are awarded under sections 3310.03 and 3310.032 of 36758
the Revised Code. 36759

(K) "Enrolled ADM" means the following: 36760

(1) For a city, local, or exempted village school 36761
district, the enrollment reported under division (A) of section 36762
3317.03 of the Revised Code, as verified by the ~~superintendent-~~ 36763
~~of public instruction department~~ and adjusted if so ordered 36764
under division (K) of that section, and as further adjusted by 36765
the department ~~of education~~, as follows: 36766

(a) Add the students described in division (A) (1) (b) of 36767
section 3317.03 of the Revised Code; 36768

(b) Subtract the students counted under divisions (A) (2) 36769
(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the 36770
Revised Code; 36771

(c) Count only twenty per cent of the number of joint 36772
vocational school district students counted under division (A) 36773
(3) of section 3317.03 of the Revised Code; 36774

(d) Add twenty per cent of the number of students who are 36775
entitled to attend school in the district under section 3313.64 36776
or 3313.65 of the Revised Code and are enrolled in another 36777
school district under a career-technical education compact; 36778

(e) Add twenty per cent of the number of students 36779
described in division (A) (1) (b) of section 3317.03 of the 36780

Revised Code who enroll in a joint vocational school district or 36781
under a career-technical education compact. 36782

(2) For a joint vocational school district, the final 36783
number verified by the ~~superintendent of public instruction~~ 36784
department, based on the enrollment reported and certified under 36785
division (D) of section 3317.03 of the Revised Code, as 36786
adjusted, if so ordered, under division (K) of that section, and 36787
as further adjusted by the department ~~of education~~ by adding the 36788
students described in division (D) (1) (b) of section 3317.03 of 36789
the Revised Code; 36790

(3) For the community and STEM school unit, the sum of the 36791
number of students reported as enrolled in community schools 36792
under divisions (B) (1) and (2) of section 3314.08 of the Revised 36793
Code and the number of students reported as enrolled in STEM 36794
schools under division (A) of section 3326.32 of the Revised 36795
Code; 36796

(4) For the educational choice scholarship unit, the 36797
number of students for whom educational choice scholarships are 36798
awarded under sections 3310.03 and 3310.032 of the Revised Code 36799
as reported under division (A) (2) (g) of section 3317.03 of the 36800
Revised Code; 36801

(5) For the pilot project scholarship unit, the number of 36802
students for whom pilot project scholarships are awarded under 36803
sections 3313.974 to 3313.979 of the Revised Code as reported 36804
under division (A) (2) (b) of section 3317.03 of the Revised Code; 36805

(6) For the autism scholarship unit, the number of 36806
students for whom autism scholarships are awarded under section 36807
3310.41 of the Revised Code as reported under division (A) (2) (h) 36808
of section 3317.03 of the Revised Code; 36809

(7) For the Jon Peterson special needs scholarship unit, 36810
the number of students for whom Jon Peterson special needs 36811
scholarships are awarded under sections 3310.51 to 3310.64 of 36812
the Revised Code as reported under division (A) (2) (h) of section 36813
3317.03 of the Revised Code. 36814

(L) (1) "Formula ADM" means, for a city, local, or exempted 36815
village school district, the enrollment reported under division 36816
(A) of section 3317.03 of the Revised Code, as verified by the 36817
~~superintendent of public instruction department~~ and adjusted if 36818
so ordered under division (K) of that section, and as further 36819
adjusted by the ~~department of education~~, as follows: 36820

(a) Count only twenty per cent of the number of joint 36821
vocational school district students counted under division (A) 36822
(3) of section 3317.03 of the Revised Code; 36823

(b) Add twenty per cent of the number of students who are 36824
entitled to attend school in the district under section 3313.64 36825
or 3313.65 of the Revised Code and are enrolled in another 36826
school district under a career-technical education compact. 36827

(2) "Formula ADM" means, for a joint vocational school 36828
district, the final number verified by the ~~superintendent of~~ 36829
~~public instruction department~~, based on the enrollment reported 36830
and certified under division (D) of section 3317.03 of the 36831
Revised Code, as adjusted, if so ordered, under division (K) of 36832
that section. 36833

(M) "FTE basis" means a count of students based on full- 36834
time equivalency, in accordance with rules adopted by the 36835
~~department of education~~ pursuant to section 3317.03 of the 36836
Revised Code. In adopting its rules under this division, the 36837
department shall provide for counting any student in category 36838

one, two, three, four, five, or six special education ADM or in 36839
category one, two, three, four, or five career-technical 36840
education ADM in the same proportion the student is counted in 36841
enrolled ADM and formula ADM. 36842

(N) For fiscal years 2022 and 2023, "funding base" means, 36843
for a city, local, or exempted village school district, the sum 36844
of the following as calculated by the department: 36845

(1) The district's "general funding base," which equals 36846
the amount calculated as follows: 36847

(a) Compute the sum of the following: 36848

(i) The amount calculated for the district for fiscal year 36849
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 36850
133rd general assembly after any adjustments required under 36851
Section 265.227 of H.B. 166 of the 133rd general assembly and 36852
prior to any funding reductions authorized by Executive Order 36853
2020-19D, "Implementing Additional Spending Controls to Balance 36854
the State Budget" issued on May 7, 2020; 36855

(ii) Either of the following: 36856

(I) For fiscal year 2022, the district's payments for 36857
fiscal year 2020 under divisions (C)(1), (2), (3), and (4) of 36858
section 3313.981 of the Revised Code as those divisions existed 36859
prior to September 30, 2021; 36860

(II) For fiscal year 2023, the district's payments for 36861
fiscal year 2020 under divisions (C)(1), (3), and (4) of section 36862
3313.981 of the Revised Code as those divisions existed prior to 36863
September 30, 2021. 36864

(b) Subtract from the amount calculated in division (N)(1) 36865
(a) of this section the sum of the following: 36866

(i) The following difference:	36867
(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)	36868 36869 36870 36871 36872 36873 36874 36875 36876 36877
(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C) (1) (a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly;	36878 36879 36880 36881 36882 36883
(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly;	36884 36885 36886 36887 36888 36889 36890
(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to September 30, 2021, division (C) (2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot	36891 36892 36893 36894 36895 36896

project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) Either of the following:

(I) For fiscal year 2022, the payments subtracted from the district for fiscal year 2020 under divisions (B) (1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;

(II) For fiscal year 2023, the payments subtracted from the district for fiscal year 2020 under divisions (B) (1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years 2022 and 2023, "funding base" means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals	36926
the amount calculated as follows:	36927
(a) Compute the sum of the following:	36928
(i) The district's payments for fiscal year 2020 under	36929
Section 265.225 of H.B. 166 of the 133rd general assembly after	36930
any adjustments required under Section 265.227 of H.B. 166 of	36931
the 133rd general assembly;	36932
(ii) Either of the following:	36933
(I) For fiscal year 2022, the district's payments for	36934
fiscal year 2020 under divisions (D) (1), (2), and (E) (3) of	36935
section 3313.981 of the Revised Code as those divisions existed	36936
prior to September 30, 2021;	36937
(II) For fiscal year 2023, the district's payments for	36938
fiscal year 2020 under divisions (D) (1) and (2) of section	36939
3313.981 of the Revised Code as those divisions existed prior to	36940
September 30, 2021.	36941
(b) Subtract from the amount paid to the district under	36942
division (A) (3) of section 3317.16 of the Revised Code, as that	36943
division existed prior to September 30, 2021, for fiscal year	36944
2019.	36945
(2) The district's "disadvantaged pupil impact aid funding	36946
base," which equals the amount paid to the district under	36947
division (A) (3) of section 3317.16 of the Revised Code, as that	36948
division existed prior to September 30, 2021, for fiscal year	36949
2019.	36950
(P) For fiscal years 2022 and 2023, "funding base" for a	36951
community school means the following:	36952
(1) For a community school that was in operation for the	36953

entirety of fiscal year 2020, the amount paid to the school for 36954
that fiscal year under division (C) (1) of section 3314.08 of the 36955
Revised Code as that division existed prior to September 30, 36956
2021, in accordance with division (A) of Section 265.230 of H.B. 36957
166 of the 133rd general assembly and the amount, if any, paid 36958
to the school for that fiscal year under section 3314.085 of the 36959
Revised Code in accordance with division (B) of Section 265.230 36960
of H.B. 166 of the 133rd general assembly; 36961

(2) For a community school that was in operation for part 36962
of fiscal year 2020, the amount that would have been paid to the 36963
school for that fiscal year under division (C) (1) of section 36964
3314.08 of the Revised Code as that division existed prior to 36965
September 30, 2021, in accordance with division (A) of Section 36966
265.230 of H.B. 166 of the 133rd general assembly if the school 36967
had been in operation for the entirety of that fiscal year, as 36968
calculated by the department, and the amount that would have 36969
been paid to the school for that fiscal year under section 36970
3314.085 of the Revised Code in accordance with division (B) of 36971
Section 265.230 of H.B. 166 of the 133rd general assembly, if 36972
any, if the school had been in operation for the entirety of 36973
that fiscal year, as calculated by the department; 36974

(3) For a community school that was not in operation for 36975
fiscal year 2020, the amount that would have been paid to the 36976
school if it was in operation for that school year under 36977
division (C) (1) of section 3314.08 of the Revised Code as that 36978
division existed prior to September 30, 2021, in accordance with 36979
division (A) of Section 265.230 of H.B. 166 of the 133rd general 36980
assembly if the school had been in operation for the entirety of 36981
that fiscal year, as calculated by the department, and the 36982
amount that would have been paid to the school for that fiscal 36983
year under section 3314.085 of the Revised Code in accordance 36984

with division (B) of Section 265.230 of H.B. 166 of the 133rd 36985
general assembly, if any, if the school had been in operation 36986
for the entirety of that fiscal year, as calculated by the 36987
department. 36988

(Q) For fiscal years 2022 and 2023, "funding base" for a 36989
STEM school means the following: 36990

(1) For a science, technology, engineering, and 36991
mathematics school that was in operation for the entirety of 36992
fiscal year 2020, the amount paid to the school for that fiscal 36993
year under section 3326.33 of the Revised Code as that section 36994
existed prior to September 30, 2021, in accordance with division 36995
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 36996
and the amount, if any, paid to the school for that fiscal year 36997
under section 3326.41 of the Revised Code in accordance with 36998
division (B) of Section 265.235 of H.B. 166 of the 133rd general 36999
assembly; 37000

(2) For a science, technology, engineering, and 37001
mathematics school that was in operation for part of fiscal year 37002
2020, the amount that would have been paid to the school for 37003
that fiscal year under section 3326.33 of the Revised Code as 37004
that section existed prior to September 30, 2021, in accordance 37005
with division (A) of Section 265.235 of H.B. 166 of the 133rd 37006
general assembly if the school had been in operation for the 37007
entirety of that fiscal year, as calculated by the department, 37008
and the amount that would have been paid to the school for that 37009
fiscal year under section 3326.41 of the Revised Code in 37010
accordance with division (B) of Section 265.235 of H.B. 166 of 37011
the 133rd general assembly, if any, if the school had been in 37012
operation for the entirety of that fiscal year, as calculated by 37013
the department; 37014

(3) For a science, technology, engineering, and mathematics school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under section 3326.33 of the Revised Code as that section existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3326.41 of the Revised Code in accordance with division (B) of Section 265.235 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as calculated by the department.

(R) "Funding unit" means any of the following:

(1) A city, local, exempted village, or joint vocational school district;

(2) The community and STEM school unit;

(3) The educational choice scholarship unit;

(4) The pilot project scholarship unit;

(5) The autism scholarship unit;

(6) The Jon Peterson special needs scholarship unit.

(S) "Jon Peterson special needs scholarship unit" means a unit that consists of all of the students for whom Jon Peterson scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code.

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."

(V) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(W) (1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the ~~state board of education~~ department and if either of the following apply:

(a) The child is identified as having a medical condition that is among those listed by the ~~superintendent of public instruction~~ department as conditions where a substantial majority of cases fall within the definition of "medically fragile child."

(b) The child is determined by the ~~superintendent of~~

~~public instruction department~~ to be a medically fragile child. A 37072
school district superintendent may petition the ~~superintendent-~~ 37073
~~of public instruction department~~ for a determination that a 37074
child is a medically fragile child. 37075

(2) A child may be identified as having an "other health 37076
impairment-minor" if the child's condition meets the definition 37077
of "other health impaired" established in rules previously 37078
adopted by the ~~state board of education department~~ but the 37079
child's condition does not meet either of the conditions 37080
specified in division (W) (1) (a) or (b) of this section. 37081

(X) (1) For fiscal years 2022 and 2023, a city, local, 37082
exempted village, or joint vocational school district's, 37083
community school's, or STEM school's "general phase-in 37084
percentage" is equal to the percentage for that fiscal year that 37085
is determined by the general assembly. 37086

(2) For fiscal years 2022 and 2023, a city, local, 37087
exempted village, or joint vocational school district's "phase- 37088
in percentage for disadvantaged pupil impact aid" is equal to 37089
the percentage for that fiscal year that is determined by the 37090
general assembly. 37091

(Y) "Pilot project scholarship unit" means a unit that 37092
consists of all of the students for whom pilot project 37093
scholarships are awarded under sections 3313.974 to 3313.979 of 37094
the Revised Code. 37095

(Z) "Preschool child with a disability" means a child with 37096
a disability, as defined in section 3323.01 of the Revised Code, 37097
who is at least age three but is not of compulsory school age, 37098
as defined in section 3321.01 of the Revised Code, and who is 37099
not currently enrolled in kindergarten. 37100

(AA) "Related services" includes:	37101
(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (G) (3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	37102 37103 37104 37105 37106 37107 37108 37109
(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;	37110 37111 37112
(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	37113 37114 37115
(4) Any service included in units funded under former division (O) (1) of section 3317.024 of the Revised Code;	37116 37117
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	37118 37119 37120
(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.	37121 37122
(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.	37123 37124
(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	37125 37126
(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district:	37127 37128

(a) For fiscal years 2022 and 2023, the state share percentage calculated under section 3317.017 of the Revised Code; 37129
37130
37131

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 37132
37133
37134

(2) "State share percentage" means the following for a joint vocational school district: 37135
37136

(a) For fiscal years 2022 and 2023, the percentage calculated in accordance with the following formula: 37137
37138

The amount computed for the district under division (A)(1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code 37139
37140
37141
37142

(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly. 37143
37144
37145

(FF) "Statewide average base cost per pupil" means the following: 37146
37147

(1) For fiscal years 2022 and 2023, the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code; 37148
37149
37150

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 37151
37152
37153

(GG) "Statewide average career-technical base cost per pupil" means the following: 37154
37155

(1) For fiscal years 2022 and 2023, the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code;	37156 37157 37158
(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	37159 37160 37161
(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.	37162 37163 37164
(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	37165 37166 37167 37168
(JJ) For purposes of sections 3317.017 and 3317.16 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.	37169 37170 37171 37172 37173
(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A) (2) (a), (b), (g), (h), and (i) of that section, as verified by the superintendent of public instruction department and adjusted if so ordered under division (K) of that section.	37174 37175 37176 37177 37178 37179 37180
(LL) "Total special education ADM" means the sum of categories one through six special education ADM.	37181 37182
(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint	37183 37184

vocational school district under divisions (A) (1) and (2) of section 3317.021 of the Revised Code. 37185
37186

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions: 37187
37188
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37190

(1) The student's family has multiple children enrolled in the same school. 37191
37192

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students. 37193
37194
37195
37196

(3) The student's parent is an employee of the school. 37197

(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify. 37198
37199
37200

Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and workforce and the office of budget and management the information described in divisions (A) (1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A) (1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter. 37201
37202
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(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location. 37211
37212
37213

(2) The taxable value of tangible personal property,	37214
including public utility personal property, subject to taxation	37215
by the district for the preceding tax year.	37216
(3) (a) The total property tax rate and total taxes charged	37217
and payable for the current expenses for the preceding tax year	37218
and the total property tax rate and the total taxes charged and	37219
payable to a joint vocational district for the preceding tax	37220
year that are limited to or to the extent apportioned to current	37221
expenses.	37222
(b) The portion of the amount of taxes charged and payable	37223
reported for each city, local, and exempted village school	37224
district under division (A) (3) (a) of this section attributable	37225
to a joint vocational school district.	37226
(4) The value of all real and public utility real property	37227
in the school district exempted from taxation minus both of the	37228
following:	37229
(a) The value of real and public utility real property in	37230
the district owned by the United States government and used	37231
exclusively for a public purpose;	37232
(b) The value of real and public utility real property in	37233
the district exempted from taxation under Chapter 725. or 1728.	37234
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62,	37235
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	37236
(5) The total federal adjusted gross income of the	37237
residents of the school district, based on tax returns filed by	37238
the residents of the district, for the most recent year for	37239
which this information is available, and the median Ohio	37240
adjusted gross income of the residents of the school district	37241
determined on the basis of tax returns filed for the second	37242

preceding tax year by the residents of the district. 37243

(6) For fiscal years 2022 and 2023, the number of state 37244
tax returns filed by the residents of the district for the most 37245
recent year for which this information is available. 37246

(B) On or before the first day of May each year, the tax 37247
commissioner shall certify to the department of education and 37248
workforce and the office of budget and management the total 37249
taxable real property value of railroads and, separately, the 37250
total taxable tangible personal property value of all public 37251
utilities for the preceding tax year, by school district and by 37252
county of location. 37253

(C) If on the basis of the information certified under 37254
division (A) of this section, the department determines that any 37255
district fails in any year to meet the qualification requirement 37256
specified in division (A) of section 3317.01 of the Revised 37257
Code, the department shall immediately request the tax 37258
commissioner to determine the extent to which any school 37259
district income tax levied by the district under Chapter 5748. 37260
of the Revised Code shall be included in meeting that 37261
requirement. Within five days of receiving such a request from 37262
the department, the tax commissioner shall make the 37263
determination required by this division and report the quotient 37264
obtained under division (C) (3) of this section to the department 37265
and the office of budget and management. This quotient 37266
represents the number of mills that the department shall include 37267
in determining whether the district meets the qualification 37268
requirement of division (A) of section 3317.01 of the Revised 37269
Code. 37270

The tax commissioner shall make the determination required 37271
by this division as follows: 37272

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A) (1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C) (2) of this section by the product obtained under division (C) (1) of this section.

Sec. 3317.022. The department of education and workforce shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years 2022 and 2023, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in

accordance with division (N) (1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A) (4) of this section - the district's disadvantaged pupil impact aid funding base calculated in accordance with division (N) (2) of section 3317.02 of the Revised Code) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] + the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code

For fiscal year 2024 and each fiscal year thereafter, for a funding unit that is a city, local, or exempted village school district, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this section and the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code, if the general assembly authorizes such payments to these funding units.

For fiscal years 2022 and 2023, for the community and STEM school unit, an amount calculated in accordance with section 3317.026 of the Revised Code.

For fiscal years 2024 and each fiscal year thereafter, for the community and STEM school unit, an amount calculated in accordance with divisions (A) (1), (3), (4), (5), (7), (8), and (9) of this section, if the general assembly authorizes such payments to these funding units.

For the educational choice scholarship unit, the amount calculated under division (A) (10) of this section.

For the pilot project scholarship unit, the amount	37331
calculated under division (A) (11) of this section.	37332
For the autism scholarship unit, the amount calculated	37333
under division (A) (12) of this section.	37334
For the Jon Peterson special needs scholarship unit, the	37335
amount calculated under division (A) (13) of this section.	37336
(A) A funding unit's state core foundation funding	37337
components shall be the following:	37338
(1) (a) If the funding unit is a city, local, or exempted	37339
village school district, the district's state share, which is	37340
equal to the following:	37341
(i) For fiscal years 2022 and 2023, the amount calculated	37342
under division (B) of section 3317.017 of the Revised Code;	37343
(ii) For fiscal year 2024 and each fiscal year thereafter,	37344
an amount calculated in a manner determined by the general	37345
assembly.	37346
(b) If the funding unit is the community and STEM school	37347
unit, the aggregate base cost for all schools in that unit,	37348
which is equal to the following:	37349
(i) For fiscal years 2022 and 2023, the amount calculated	37350
under section 3317.0110 of the Revised Code;	37351
(ii) For fiscal year 2024 and each fiscal year thereafter,	37352
an amount calculated in a manner determined by the general	37353
assembly.	37354
(2) If the funding unit is a city, local, or exempted	37355
village school district, targeted assistance funds equal to the	37356
following:	37357

(a) For fiscal years 2022 and 2023, an amount calculated 37358
under section 3317.0217 of the Revised Code; 37359

(b) For fiscal year 2024 and each fiscal year thereafter, 37360
an amount calculated in a manner determined by the general 37361
assembly. 37362

(3) If the funding unit is a city, local, or exempted 37363
village school district or the community and STEM school unit, 37364
additional state aid for special education and related services 37365
provided under Chapter 3323. of the Revised Code calculated as 37366
follows: 37367

(a) For fiscal years 2022 and 2023, the sum of the 37368
following: 37369

(i) The funding unit's category one special education ADM 37370
X the multiple specified in division (A) of section 3317.013 of 37371
the Revised Code X the statewide average base cost per pupil for 37372
that fiscal year X if the funding unit is a city, local, or 37373
exempted village school district, the district's state share 37374
percentage; 37375

(ii) The funding unit's category two special education ADM 37376
X the multiple specified in division (B) of section 3317.013 of 37377
the Revised Code X the statewide average base cost per pupil for 37378
that fiscal year X if the funding unit is a city, local, or 37379
exempted village school district, the district's state share 37380
percentage; 37381

(iii) The funding unit's category three special education 37382
ADM X the multiple specified in division (C) of section 3317.013 37383
of the Revised Code X the statewide average base cost per pupil 37384
for that fiscal year X if the funding unit is a city, local, or 37385
exempted village school district, the district's state share 37386

percentage;	37387
(iv) The funding unit's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	37388 37389 37390 37391 37392 37393
(v) The funding unit's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	37394 37395 37396 37397 37398 37399
(vi) The funding unit's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.	37400 37401 37402 37403 37404 37405
(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:	37406 37407
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM;	37408 37409 37410
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM;	37411 37412 37413
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special	37414 37415

education ADM;	37416
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	37417 37418 37419
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	37420 37421 37422
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	37423 37424 37425
(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula:	37426 37427 37428 37429
(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:	37430 37431
(i) For fiscal years 2022 and 2023, the following product: \$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B) (21) of section 3317.03 of the Revised Code	37432 37433 37434 37435 37436
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	37437 37438 37439
(b) If the funding unit is the community and STEM school unit, an amount equal to the following:	37440 37441
(i) For fiscal years 2022 and 2023, an amount calculated	37442

as follows: 37443

(I) For each student in the funding unit's enrolled ADM 37444
who is economically disadvantaged and is not enrolled in an 37445
internet- or computer-based community school, multiply \$422 by 37446
the economically disadvantaged index of the school in which the 37447
student is enrolled; 37448

(II) Compute the funding unit's disadvantaged pupil impact 37449
aid by calculating the sum of the amounts determined under 37450
division (A) (4) (b) (i) (I) of this section. 37451

(ii) For fiscal year 2024 and each fiscal year thereafter, 37452
an amount calculated as follows: 37453

(I) For each student in the funding unit's enrolled ADM 37454
who is economically disadvantaged and is not enrolled in an 37455
internet- or computer-based community school, calculate an 37456
amount in the manner determined by the general assembly; 37457

(II) Compute the funding unit's disadvantaged pupil impact 37458
aid by calculating the sum of the amounts determined under 37459
division (A) (4) (b) (ii) (I) of this section. 37460

(5) If the funding unit is a city, local, or exempted 37461
village school district or the community and STEM school unit, 37462
English learner funds calculated as follows: 37463

(a) For fiscal years 2022 and 2023, the sum of the 37464
following: 37465

(i) The funding unit's category one English learner ADM X 37466
the multiple specified in division (A) of section 3317.016 of 37467
the Revised Code X the statewide average base cost per pupil for 37468
that fiscal year X if the funding unit is a city, local, or 37469
exempted village school district, the district's state share 37470

percentage;	37471
(ii) The funding unit's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	37472 37473 37474 37475 37476 37477
(iii) The funding unit's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.	37478 37479 37480 37481 37482 37483
(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:	37484 37485
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;	37486 37487 37488
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;	37489 37490 37491
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.	37492 37493 37494
(6) (a) For fiscal years 2022 and 2023, if the funding unit is a city, local, or exempted village school district, all of the following:	37495 37496 37497
(i) Gifted identification funds calculated according to	37498

the following formula:	37499
\$24 X the district's enrolled ADM for grades kindergarten	37500
through six X the district's state share percentage	37501
(ii) Gifted referral funds calculated according to the	37502
following formula:	37503
\$2.50 X the district's enrolled ADM X the district's state share	37504
percentage	37505
(iii) Gifted professional development funds calculated	37506
according to the following formula:	37507
(The greater of the number of gifted students enrolled in the	37508
district as certified under division (B) (22) of section 3317.03	37509
of the Revised Code and ten per cent of the district's enrolled	37510
ADM) X the district's state share percentage X \$7, for fiscal	37511
year 2022, or \$14, for fiscal year 2023	37512
(iv) Gifted unit funding calculated under section 3317.051	37513
of the Revised Code.	37514
(b) For fiscal year 2024 and each fiscal year thereafter,	37515
all of the following:	37516
(i) Gifted identification funds calculated in a manner	37517
determined by the general assembly;	37518
(ii) Gifted referral funds calculated in a manner	37519
determined by the general assembly, if the general assembly	37520
authorizes such a payment;	37521
(iii) Gifted professional development funds calculated in	37522
a manner determined by the general assembly, if the general	37523
assembly authorizes such a payment;	37524
(iv) Gifted unit funding calculated in an amount	37525

determined by the general assembly. 37526

(7) If the funding unit is a city, local, or exempted 37527
village school district or the community and STEM school unit, 37528
career-technical education funds calculated under division (C) 37529
of section 3317.014 of the Revised Code. 37530

(8) If the funding unit is a city, local, or exempted 37531
village school district or the community and STEM school unit, 37532
career-technical education associated services funds calculated 37533
under division (D) of section 3317.014 of the Revised Code. 37534

(9) If the funding unit is the community and STEM school 37535
unit, an amount calculated as follows: 37536

(a) For fiscal years 2022 and 2023, an amount equal to the 37537
following: 37538

[The number of students in the funding unit's enrolled ADM who 37539
are reported under division (B) (5) of section 3314.08 of the 37540
Revised Code X (the aggregate base cost calculated for all 37541
schools in the funding unit for that fiscal year under section 37542
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 37543
X.20] 37544

(b) For fiscal year 2024 and each fiscal year thereafter, 37545
an amount calculated in a manner determined by the general 37546
assembly. 37547

(10) If the funding unit is the educational choice 37548
scholarship unit, an amount calculated as follows: 37549

(a) For each student in the funding unit's enrolled ADM, 37550
determine the lesser of the following: 37551

(i) The base tuition of the chartered nonpublic school in 37552
which the student is enrolled minus the total amount of any 37553

applicable tuition discounts for which the student qualifies; 37554

(ii) \$5,500, if the student is in grades kindergarten 37555
through eight, or \$7,500, if the student is in grades nine 37556
through twelve. 37557

The amounts specified in division (A) (10) (a) (ii) of this 37558
section shall increase in future fiscal years by the same 37559
percentage that the statewide average base cost per pupil 37560
increases in future fiscal years. 37561

(b) Compute the sum of the amounts calculated under 37562
division (A) (10) (a) of this section. 37563

(11) If the funding unit is the pilot project scholarship 37564
unit, an amount calculated as follows: 37565

(a) For each student in the funding unit's enrolled ADM, 37566
determine the lesser of the following: 37567

(i) The net tuition charges of the student's alternative 37568
school; 37569

(ii) \$5,500, if the student is in grades kindergarten 37570
through eight, or \$7,500, if the student is in grades nine 37571
through twelve. 37572

The amounts specified in division (A) (11) (a) (ii) of this 37573
section shall increase in future fiscal years by the same 37574
percentage that the statewide average base cost per pupil 37575
increases in future fiscal years. 37576

For purposes of division (A) (11) (a) of this section, the 37577
net tuition and fees charged to a student shall be the tuition 37578
amount specified by the alternative school minus all other 37579
financial aid, discounts, and adjustments received for the 37580
student. In cases where discounts are offered for multiple 37581

students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(b) Compute the sum of the amounts calculated under division (A) (17) (a) of this section.

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;

(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.

(b) Compute the sum of the amounts calculated under division (A) (12) (a) of this section.

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the least of the following:

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;

(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows:

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023;

(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023;

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023;

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023;

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023;

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and

\$25,370, for fiscal year 2023. 37639

(iii) \$27,000. 37640

The amount specified for fiscal year 2023 in division (A) 37641
(13)(a)(ii) of this section shall increase in future fiscal 37642
years by the same percentage that the statewide average base 37643
cost per pupil increases in future fiscal years. 37644

The amounts specified for fiscal year 2023 in divisions 37645
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in 37646
future fiscal years by the same percentage that the amounts 37647
calculated by the general assembly for those categories of 37648
special education services under division (A)(3) of this section 37649
increase in future fiscal years. 37650

(b) Compute the sum of the amounts calculated under 37651
division (A)(13)(a) of this section. 37652

(B) In any fiscal year, a funding unit that is a city, 37653
local, or exempted village school district shall spend for 37654
purposes that the department designates as approved for special 37655
education and related services expenses at least the amount 37656
calculated as follows: 37657

(The base cost per pupil calculated for the district for that 37658
fiscal year X the total special education ADM) + (the district's 37659
category one special education ADM X the multiple specified in 37660
division (A) of section 3317.013 of the Revised Code X the 37661
statewide average base cost per pupil) + (the district's 37662
category two special education ADM X the multiple specified in 37663
division (B) of section 3317.013 of the Revised Code X the 37664
statewide average base cost per pupil) + (the district's 37665
category three special education ADM X the multiple specified in 37666
division (C) of section 3317.013 of the Revised Code X the 37667

statewide average base cost per pupil) + (the district's 37668
category four special education ADM X the multiple specified in 37669
division (D) of section 3317.013 of the Revised Code X the 37670
statewide average base cost per pupil) + (the district's 37671
category five special education ADM X the multiple specified in 37672
division (E) of section 3317.013 of the Revised Code X the 37673
statewide average base cost per pupil) + (the district's 37674
category six special education ADM X the multiple specified in 37675
division (F) of section 3317.013 of the Revised Code X the 37676
statewide average base cost per pupil) 37677

The purposes approved by the department for special 37678
education expenses shall include, but shall not be limited to, 37679
identification of children with disabilities, compliance with 37680
state rules governing the education of children with 37681
disabilities and prescribing the continuum of program options 37682
for children with disabilities, provision of speech language 37683
pathology services, and the portion of the school district's 37684
overall administrative and overhead costs that are attributable 37685
to the district's special education student population. 37686

(C) A funding unit that is a city, local, or exempted 37687
village school district shall spend the funds it receives under 37688
division (A) (4) of this section in accordance with section 37689
3317.25 of the Revised Code. 37690

(D) (1) Except as provided in division (B) of section 37691
3317.026 of the Revised Code, the department shall distribute to 37692
each community school established under Chapter 3314. of the 37693
Revised Code and to each STEM school established under Chapter 37694
3326. of the Revised Code, from the funds paid to the community 37695
and STEM school unit under this section, an amount for each 37696
student enrolled in the school equal to the sum of the 37697

following:	37698
(a) The school's base cost per pupil for that fiscal year, calculated as follows:	37699 37700
(i) For fiscal years 2022 and 2023:	37701
The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year	37702 37703 37704
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly under division (A) (1) (b) (ii) of this section divided by the number of students enrolled in the school for that fiscal year.	37705 37706 37707 37708
(b) If the student is a special education student:	37709
(i) For fiscal years 2022 and 2023, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil;	37710 37711 37712 37713
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A) (3) (b) of this section.	37714 37715 37716 37717
(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged:	37718 37719
(i) For fiscal years 2022 and 2023, the amount calculated for the student under division (A) (4) (b) (i) (I) of this section;	37720 37721
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A) (4) (b) (ii) (I) of this	37722 37723 37724

section.	37725
(d) If the school is not an internet- or computer-based community school and the student is an English learner:	37726 37727
(i) For fiscal years 2022 and 2023, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil;	37728 37729 37730 37731
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A) (5) (b) of this section.	37732 37733 37734 37735
(e) If the student is a career-technical education student:	37736 37737
(i) For fiscal years 2022 and 2023, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	37738 37739 37740 37741
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code.	37742 37743 37744 37745
(f) If the student is a career-technical education student:	37746 37747
(i) For fiscal years 2022 and 2023, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	37748 37749 37750 37751
(ii) For fiscal year 2024 and each fiscal year thereafter,	37752

the amount calculated for career-technical associated services 37753
in a manner determined by the general assembly under section 37754
3317.014 of the Revised Code. 37755

(2) The department shall distribute to each community 37756
school established under Chapter 3314. of the Revised Code and 37757
to each STEM school established under Chapter 3326. of the 37758
Revised Code, from the funds paid to the community and STEM 37759
school unit under this section, an amount equal to the amount 37760
calculated for the school under division (A) (9) of this section. 37761

(E) The department shall distribute to the parent of each 37762
student for whom an educational choice scholarship is awarded 37763
under section 3310.03 or 3310.032 of the Revised Code, or to the 37764
student if at least eighteen years of age, from the funds paid 37765
to the educational choice scholarship unit under this section, a 37766
scholarship equal to the amount calculated for the student under 37767
division (A) (10) (a) of this section. The scholarship shall be 37768
distributed in monthly partial payments, and the department 37769
shall proportionately reduce or terminate the payments for any 37770
student who withdraws from a chartered nonpublic school prior to 37771
the end of the school year. 37772

For purposes of divisions (E) and (F) of this section, in 37773
the case of a student who is not living with the student's 37774
parent, the department shall distribute the scholarship payments 37775
to the student's guardian, legal custodian, kinship caregiver, 37776
foster caregiver, or caretaker. For the purposes of this 37777
division, "caretaker" has the same meaning as in section 37778
3310.033 of the Revised Code, "kinship caregiver" has the same 37779
meaning as in section 5101.85 of the Revised Code, and "foster 37780
caregiver" has the same meaning as in section 5103.02 of the 37781
Revised Code. 37782

(F) If a student is awarded a pilot project scholarship 37783
under sections 3313.974 to 3313.979 of the Revised Code, the 37784
department shall distribute to the parent of the student, if the 37785
student is attending a registered private school as defined in 37786
section 3313.974 of the Revised Code, or the student's school 37787
district of attendance, if the scholarship is to be used for 37788
payments to a public school in a school district adjacent to the 37789
pilot project school district pursuant to section 3327.06 of the 37790
Revised Code, a scholarship from the funds paid to the pilot 37791
project scholarship unit under this section that is equal to the 37792
amount calculated for the student under division (A) (11) (a) of 37793
this section. 37794

In the case of a scholarship distributed to a student's 37795
parent, the scholarship shall be distributed in monthly partial 37796
payments. The scholarship amount shall be proportionately 37797
reduced in the case of any such student who is not enrolled in a 37798
registered private school, as that term is defined in section 37799
3313.974 of the Revised Code, for the entire school year. 37800

In the case of a scholarship distributed to a student's 37801
school district of attendance, the department shall, on behalf 37802
of the student's parents, use the scholarship to make the 37803
tuition payments required by section 3327.06 of the Revised Code 37804
to the student's school district of attendance, except that, 37805
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 37806
Revised Code, the total payments in any school year shall not 37807
exceed the scholarship amount calculated for the student under 37808
division (A) (11) (a) of this section. 37809

(G) The department shall distribute to the parent of each 37810
student for whom an autism scholarship is awarded under section 37811
3310.41 of the Revised Code, from the funds paid to the autism 37812

scholarship unit under this section, a scholarship equal to the 37813
amount calculated for the student under division (A) (12) (a) of 37814
this section. The scholarship shall be distributed from time to 37815
time in partial payments. The scholarship amount shall be 37816
proportionately reduced in the case of any student who is not 37817
enrolled in the special education program for which a 37818
scholarship was awarded under section 3310.41 of the Revised 37819
Code for the entire school year. The department shall make no 37820
payments to the parent of a student while any administrative or 37821
judicial mediation or proceedings with respect to the content of 37822
the student's individualized education program are pending. 37823

(H) The department shall distribute to the parent of each 37824
student for whom a Jon Peterson special needs scholarship is 37825
awarded under sections 3310.51 to 3310.64 of the Revised Code, 37826
from the funds paid to the Jon Peterson special needs 37827
scholarship unit under this section, a scholarship equal to the 37828
amount calculated for the student under division (A) (13) (a) of 37829
this section. The scholarship shall be distributed in periodic 37830
payments, and the department shall proportionately reduce or 37831
terminate the payments for any student who is not enrolled in 37832
the special education program of an alternative public provider 37833
or a registered private provider, as those terms are defined in 37834
section 3310.51 of the Revised Code, for the entire school year. 37835

(I) For fiscal years 2022 and 2023, a school district 37836
shall spend the funds it receives under division (A) (5) of this 37837
section only for services for English learners. 37838

(J) For fiscal years 2022 and 2023, a school district 37839
shall spend the funds it receives under division (A) (6) of this 37840
section only for the identification of gifted students, gifted 37841
coordinator services, gifted intervention specialist services, 37842

other service providers approved by the department of education_ 37843
and workforce, and gifted professional development. For fiscal 37844
years 2022 and 2023, if the department determines that a 37845
district is not in compliance with this division, it shall 37846
reduce the district's payments for that fiscal year under this 37847
chapter by an amount equal to the amount paid to the district 37848
for that fiscal year under division (A)(6) of this section that 37849
was not spent in accordance with this division. 37850

Sec. 3317.023. (A) The amounts required to be paid to a 37851
district under this chapter shall be adjusted by the amount of 37852
the computations made under divisions (B) to (K) of this 37853
section. 37854

As used in this section: 37855

(1) "Career-technical planning district" or "CTPD" means a 37856
school district or group of school districts designated by the 37857
department of education and workforce as being responsible for 37858
the planning for and provision of career-technical education 37859
services to students within the district or group. A community 37860
school established under Chapter 3314. of the Revised Code or a 37861
STEM school established under Chapter 3326. of the Revised Code 37862
that is serving students in any of grades seven through twelve 37863
shall be assigned to a career-technical planning district by the 37864
department. 37865

(2) "Lead district" means a school district, including a 37866
joint vocational school district, designated by the department 37867
as a CTPD, or designated to provide primary career-technical 37868
education leadership within a CTPD composed of a group of 37869
districts, community schools assigned to the CTPD, and STEM 37870
schools assigned to the CTPD. 37871

(B) If a local, city, or exempted village school district to which a governing board of an educational service center provides services pursuant to an agreement entered into under section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under that section.

(C) (1) If the district is required to pay to or entitled to receive tuition from another school district under division (C) (2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the ~~superintendent of public instruction department~~ is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A) (1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(D) If the district has been certified by the ~~superintendent of public instruction department~~ under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under this chapter.

(E) If the district has received a loan from a commercial lending institution for which payments are made ~~by the superintendent of public instruction~~ pursuant to division (E) (3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(F) (1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F) (1) of this section, add the amount of such payments.

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B) (4) of section 3311.52 or division (B) (8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B) (1) of section 3317.19 of the Revised Code.

(H) (1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the statewide average base cost per pupil.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H) (1)

of this section from amounts paid to the school district in 37930
which the student is entitled to attend school pursuant to 37931
section 3313.64 or 3313.65 of the Revised Code. 37932

(3) If the district is required by a shared education 37933
contract, compact, or cooperative education agreement to make 37934
payments to an educational service center, deduct the amounts 37935
from payments to the district and add them to the amounts paid 37936
to the service center. 37937

(I)(1) If a district, including a joint vocational school 37938
district, is a lead district of a CTPD, credit to that district 37939
the amount calculated for each school district within that CTPD 37940
under divisions (D) and (E) of section 3317.014 of the Revised 37941
Code and for each community school and STEM school assigned to 37942
the CTPD under divisions (D) and (E) of section 3317.014 of the 37943
Revised Code. 37944

(2) Deduct from each appropriate district that is not a 37945
lead district, or from the appropriate community school or STEM 37946
school, the amount attributable to that district or school that 37947
is credited to a lead district under division (I)(1) of this 37948
section. 37949

(J) If the department pays a joint vocational school 37950
district under division (C)(3) of section 3317.16 of the Revised 37951
Code for excess costs of providing special education and related 37952
services to a student with a disability, as calculated under 37953
division (C)(1) of that section, the department shall deduct the 37954
amount of that payment from the city, local, or exempted village 37955
school district that is responsible as specified in that section 37956
for the excess costs. 37957

(K)(1) If the district reports an amount of excess cost 37958

for special education services for a child under division (C) of 37959
section 3323.14 of the Revised Code, the department shall pay 37960
that amount to the district. 37961

(2) If the district reports an amount of excess cost for 37962
special education services for a child under division (C) of 37963
section 3323.14 of the Revised Code, the department shall deduct 37964
that amount from the district of residence of that child. 37965

Sec. 3317.024. The following shall be distributed monthly, 37966
quarterly, or annually as may be determined by the ~~state board~~ 37967
department of education and workforce: 37968

(A) An amount for each island school district and each 37969
joint state school district for the operation of each high 37970
school and each elementary school maintained within such 37971
district and for capital improvements for such schools. Such 37972
amounts shall be determined on the basis of standards adopted by 37973
the ~~state board of education~~ department. However, for fiscal 37974
years 2012 and 2013, an island district shall receive the lesser 37975
of its actual cost of operation, as certified to the department- 37976
~~of education~~, or ninety-three per cent of the amount the 37977
district received in state operating funding for fiscal year 37978
2011. If an island district received no funding for fiscal year 37979
2011, it shall receive no funding for either of fiscal year 2012 37980
or 2013. 37981

(B) An amount for each school district required to pay 37982
tuition for a child in an institution maintained by the 37983
department of youth services pursuant to section 3317.082 of the 37984
Revised Code, provided the child was not included in the 37985
calculation of the district's formula ADM, as that term is 37986
defined in section 3317.02 of the Revised Code, for the 37987
preceding school year. 37988

(C) (1) An amount for the approved cost of transporting 37989
eligible pupils with disabilities attending a special education 37990
program approved by the department of education and workforce 37991
whom it is impossible or impractical to transport by regular 37992
school bus in the course of regular route transportation 37993
provided by the school district or educational service center. 37994
For fiscal years 2022 and 2023, this amount shall be equal to 37995
the actual costs incurred in the prior fiscal year by the 37996
district or service center when transporting those students, as 37997
reported to the department, multiplied by one of the following: 37998

(a) For a district, the percentage determined for the 37999
district for that fiscal year under divisions (E) (1) (c) (i) and 38000
(ii) of section 3317.0212 of the Revised Code; 38001

(b) For a service center, twenty-nine and one-sixth per 38002
cent for fiscal year 2022 and thirty-three and one-third per 38003
cent for fiscal year 2023. 38004

(2) No district or service center is eligible to receive a 38005
payment under division (C) of this section for the cost of 38006
transporting any pupil whom it transports by regular school bus 38007
and who is included in the district's transportation ADM. 38008

(3) For fiscal years 2022 and 2023, both of the following 38009
apply: 38010

(a) The ~~state board~~ department of education and workforce 38011
shall also establish the deadline for each district and service 38012
center to report its actual costs for transporting students 38013
described in division (C) (1) of this section. 38014

(b) The costs reported by each district and service center 38015
under division (C) of this section shall be subject to periodic, 38016
random audits by the department of education and workforce. 38017

(D) An amount to each school district, including each cooperative education school district, pursuant to section 3313.81 of the Revised Code to assist in providing free lunches to needy children. The amounts shall be determined on the basis of rules adopted by the ~~state board~~ department of education and workforce.

(E) (1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E) (2) of this section.

(2) (a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E) (2) of this section for each pupil attending the school. To elect to receive funds under division (E) (2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department of education and workforce and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E) (1) of this section.

(b) A chartered nonpublic school that elects to receive auxiliary services funds under division (E) (2) of this section may designate an organization that oversees one or more

nonpublic schools to receive those funds on its behalf. 38048

(i) Each chartered nonpublic school that designates an 38049
organization to receive auxiliary services funds on its behalf 38050
shall notify the department of education and workforce of the 38051
organization's name not later than the first day of April of 38052
each odd-numbered year. 38053

(ii) A school may rescind its decision, but may do so only 38054
in each odd-numbered year by notifying the department of that 38055
rescission not later than the first day of April of that year. A 38056
rescission submitted in compliance with this division takes 38057
effect on the following first day of July, and the school 38058
district may elect to then begin receiving auxiliary services 38059
funds directly or as specified under division (E) (1) of this 38060
section. 38061

(iii) An organization shall disburse the auxiliary 38062
services funds of all chartered nonpublic schools that have 38063
designated the organization to receive funds on their behalf in 38064
accordance with division (E) (2) (b) of this section. If multiple 38065
chartered nonpublic schools designate the same organization to 38066
receive auxiliary services funds on their behalf, that 38067
organization may use one or more accounts for the purposes of 38068
managing the funds. The organization shall maintain appropriate 38069
accounting and reporting standards and ensure that each 38070
chartered nonpublic school receives the auxiliary services funds 38071
to which the school is entitled. 38072

(iv) Each chartered nonpublic school that elects to 38073
receive funds directly in accordance with division (E) (2) of 38074
this section or the organization designated to receive and 38075
disburse auxiliary services funds on behalf of a chartered 38076
nonpublic school shall maintain records of receipt and 38077

expenditures of the funds in a manner that conforms with 38078
generally accepted accounting principles. 38079

(v) The department of education and workforce shall create 38080
and disseminate a standardized reporting form that chartered 38081
nonpublic schools and organizations designated to receive funds 38082
in accordance with division (E) (2) (b) of this section may use to 38083
comply with division (E) (2) (b) (iv) of this section. However, the 38084
department shall not require schools to use that form. 38085

(vi) An organization that manages a school's auxiliary 38086
services funds pursuant to a designation made in accordance with 38087
division (E) (2) (b) of this section may require the school's 38088
governing authority to pay a fee for that service that does not 38089
exceed four per cent of the total amount of payments for 38090
auxiliary services that the school receives from the state. A 38091
school may pay any fee assessed pursuant to division (E) (2) (b) 38092
(vi) of this section using auxiliary services funds. 38093

(c) The amount paid under divisions (E) (1) and (2) of this 38094
section shall equal the total amount appropriated for the 38095
implementation of sections 3317.06 and 3317.062 of the Revised 38096
Code divided by the average daily membership in grades 38097
kindergarten through twelve in chartered nonpublic elementary 38098
and high schools within the state as determined as of the last 38099
day of October of each school year. 38100

(F) An amount for each county board of developmental 38101
disabilities for the approved cost of transportation required 38102
for children attending special education programs operated by 38103
the county board under section 3323.09 of the Revised Code. For 38104
fiscal years 2022 and 2023, this amount shall be equal to the 38105
actual costs incurred in the prior fiscal year by the county 38106
board when transporting those students multiplied by twenty-nine 38107

and one-sixth per cent for fiscal year 2022 and thirty-three and 38108
one-third per cent for fiscal year 2023. 38109

(G) An amount to each institution defined under section 38110
3317.082 of the Revised Code providing elementary or secondary 38111
education to children other than children receiving special 38112
education under section 3323.091 of the Revised Code. This 38113
amount for any institution in any fiscal year shall equal the 38114
total of all tuition amounts required to be paid to the 38115
institution under division (A) (1) of section 3317.082 of the 38116
Revised Code. 38117

The ~~state board~~ department of education and workforce or 38118
any ~~other~~ board of education or governing board may provide for 38119
any resident of a district or educational service center 38120
territory any educational service for which funds are made 38121
available to the board by the United States under the authority 38122
of public law, whether such funds come directly or indirectly 38123
from the United States or any agency or department thereof or 38124
through the state or any agency, department, or political 38125
subdivision thereof. 38126

Sec. 3317.025. On or before the first day of June of each 38127
year, the tax commissioner shall certify the following 38128
information to the department of education and workforce and the 38129
office of budget and management, for each school district in 38130
which the value of the property described under division (A) of 38131
this section exceeds one per cent of the taxable value of all 38132
real and tangible personal property in the district or in which 38133
is located tangible personal property designed for use or used 38134
in strip mining operations, whose taxable value exceeds five 38135
million dollars, and the taxes upon which the district is 38136
precluded from collecting by virtue of legal proceedings to 38137

determine the value of such property: 38138

(A) The total taxable value of all property in the 38139
district owned by a public utility or railroad that has filed a 38140
petition for reorganization under the "Bankruptcy Act," 47 Stat. 38141
1474 (1898), 11 U.S.C. 205, as amended, and all tangible 38142
personal property in the district designed for use or used in 38143
strip mining operations whose taxable value exceeds five million 38144
dollars upon which have not been paid in full on or before the 38145
first day of April of that calendar year all real and tangible 38146
personal property taxes levied for the preceding calendar year 38147
and which the district was precluded from collecting by virtue 38148
of proceedings under section 205 of said act or by virtue of 38149
legal proceedings to determine the tax liability of such strip 38150
mining equipment; 38151

(B) The percentage of the total operating taxes charged 38152
and payable for school district purposes levied against such 38153
valuation for the preceding calendar year that have not been 38154
paid by such date; 38155

(C) The product obtained by multiplying the value 38156
certified under division (A) of this section by the percentage 38157
certified under division (B) of this section. If the value 38158
certified under division (A) of this section includes taxable 38159
property owned by a public utility or railroad that has filed a 38160
petition for reorganization under the bankruptcy act, the amount 38161
used in making the calculation under this division shall be 38162
reduced by one per cent of the total value of all real and 38163
tangible personal property in the district or the value of the 38164
utility's or railroad's property, whichever is less. 38165

Upon receipt of the certification, the department shall 38166
recompute the payments required under this chapter in the manner 38167

the payments would have been computed if: 38168

(1) The amount certified under division (C) of this 38169
section was not subject to taxation by the district and was not 38170
included in the certification made under division (A) (1), (A) 38171
(2), or (C) of section 3317.021 of the Revised Code. 38172

(2) The amount of taxes charged and payable and unpaid and 38173
used to make the computation under division (B) of this section 38174
had not been levied and had not been used in the computation 38175
required by division (B) of section 3317.021 of the Revised 38176
Code. The department shall pay the district that amount in the 38177
ensuing fiscal year in lieu of the amounts computed under this 38178
chapter. 38179

If a school district received a grant from the 38180
catastrophic expenditures account pursuant to division (C) of 38181
section 3316.20 of the Revised Code on the basis of the same 38182
circumstances for which a recomputation is made under this 38183
section, the amount of the recomputation shall be reduced and 38184
transferred in accordance with division (C) of section 3316.20 38185
of the Revised Code. 38186

Sec. 3317.026. This section shall apply only for fiscal 38187
years 2022 and 2023. 38188

(A) For each fiscal year, the department of education and 38189
workforce shall calculate an amount for the community and STEM 38190
school unit as follows: 38191

(1) For each community school and STEM school, determine 38192
the sum of the following: 38193

(a) The aggregate base cost calculated for the school for 38194
that fiscal year under section 3317.0110 of the Revised Code; 38195

(b) The sum of the following:	38196
(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	38197 38198 38199 38200
(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	38201 38202 38203 38204
(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	38205 38206 38207 38208
(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	38209 38210 38211 38212
(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	38213 38214 38215 38216
(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.	38217 38218 38219 38220
(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:	38221 38222 38223

\$422 X the school's economically disadvantaged index X the	38224
number of students in the school's enrolled ADM who are	38225
economically disadvantaged	38226
(d) If the school is not an internet- or computer-based	38227
community school, the sum of the following:	38228
(i) The school's category one English learner ADM X the	38229
multiple specified in division (A) of section 3317.016 of the	38230
Revised Code X the statewide average base cost per pupil for	38231
that fiscal year;	38232
(ii) The school's category two English learner ADM X the	38233
multiple specified in division (B) of section 3317.016 of the	38234
Revised Code X the statewide average base cost per pupil for	38235
that fiscal year;	38236
(iii) The school's category three English learner ADM X	38237
the multiple specified in division (C) of section 3317.016 of	38238
the Revised Code X the statewide average base cost per pupil for	38239
that fiscal year.	38240
(e) The sum of the following:	38241
(i) The school's category one career-technical education	38242
ADM X the multiple specified under division (A) (1) of section	38243
3317.014 of the Revised Code X the statewide average career-	38244
technical base cost per pupil for that fiscal year;	38245
(ii) The school's category two career-technical education	38246
ADM X the multiple specified under division (A) (2) of section	38247
3317.014 of the Revised Code X the statewide average career-	38248
technical base cost per pupil for that fiscal year;	38249
(iii) The school's category three career-technical	38250
education ADM X the multiple specified under division (A) (3) of	38251

section 3317.014 of the Revised Code X the statewide average	38252
career-technical base cost per pupil for that fiscal year;	38253
(iv) The school's category four career-technical education	38254
ADM X the multiple specified under division (A)(4) of section	38255
3317.014 of the Revised Code X the statewide average career-	38256
technical base cost per pupil for that fiscal year;	38257
(v) The school's category five career-technical education	38258
ADM X the multiple specified under division (A)(5) of section	38259
3317.014 of the Revised Code X the statewide average career-	38260
technical base cost per pupil for that fiscal year.	38261
(f) An amount equal to the following:	38262
The multiple for career-technical associated services specified	38263
under division (B) of section 3317.014 of the Revised Code X the	38264
statewide average career-technical base cost per pupil for that	38265
fiscal year X the sum of the school's categories one through	38266
five career-technical education ADM	38267
(g) If the school is a community school, an amount equal	38268
to the following:	38269
The number of students reported by the community school under	38270
division (B)(5) of section 3314.08 of the Revised Code X (the	38271
aggregate base cost calculated for the school for that fiscal	38272
year under section 3317.0110 of the Revised Code / the school's	38273
enrolled ADM) X 0.20	38274
(2) For each community and STEM school, determine the	38275
lesser of the following:	38276
(a) The following sum:	38277
The school's funding base + {[the sum calculated for the school	38278
under division (A) of this section) - the school's funding base]	38279

X the school's general phase-in percentage for that fiscal year}	38280
(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.	38281 38282
(3) Compute the sum of the amounts determined under division (B) of this section to determine the amount calculated for the community and STEM school unit.	38283 38284 38285
(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section 3317.022 of the Revised Code, an amount equal to the amount determined for that school under division (A)(2) of this section.	38286 38287 38288 38289 38290 38291 38292
Sec. 3317.028. (A) On or before May 15, 2007, and the fifteenth day of May in each calendar year thereafter, the tax commissioner shall determine for each school district whether the taxable value of all utility tangible personal property subject to taxation by the district in the preceding tax year was less than the taxable value of such property during the second preceding tax year. If any decrease exceeds ten per cent of the district's tangible personal property taxable value included in the total taxable value used in the district's state aid computation for the fiscal year that ends in the current calendar year, the tax commissioner shall certify all of the following to the department of education <u>and workforce</u> and the office of budget and management:	38293 38294 38295 38296 38297 38298 38299 38300 38301 38302 38303 38304 38305
(1) The district's total taxable value for the preceding tax year;	38306 38307
(2) The change in taxes charged and payable on the	38308

district's total taxable value for the preceding tax year and 38309
the second preceding tax year; 38310

(3) The taxable value of the utility tangible personal 38311
property decrease, which shall be considered a change in 38312
valuation; 38313

(4) The change in taxes charged and payable on such change 38314
in taxable value calculated in the same manner as in division 38315
(A) (3) of section 3317.021 of the Revised Code. 38316

(B) Upon receipt of a certification specified in this 38317
section, the ~~department of education~~ shall replace the three- 38318
year average valuations that were used in computing the 38319
district's state education aid for the fiscal year that ends in 38320
the current calendar year with the taxable value certified under 38321
division (A) (1) of this section and shall recompute the state 38322
education aid for such fiscal year without applying any funding 38323
limitations enacted by the general assembly to the computation, 38324
if applicable. The department shall pay to the district an 38325
amount equal to the lesser of the following: 38326

(1) The positive difference between the district's state 38327
education aid prior to the recomputation under this section and 38328
the district's recomputed state education aid; 38329

(2) The absolute value of the amount certified under 38330
division (A) (2) of this section. 38331

The payment date shall be determined by the director of 38332
budget and management. The director shall select a payment date 38333
that is not earlier than the first day of June of the current 38334
fiscal year and not later than the thirty-first day of July of 38335
the following fiscal year. The department ~~of education~~ shall not 38336
pay the district under this section prior to approval by the 38337

director of budget and management to make that payment. 38338

(C) If a school district received a grant from the 38339
catastrophic expenditures account pursuant to division (C) of 38340
section 3316.20 of the Revised Code on the basis of the same 38341
circumstances for which a recomputation is made under this 38342
section, the amount of the recomputation shall be reduced and 38343
transferred in accordance with division (C) of section 3316.20 38344
of the Revised Code. 38345

Sec. 3317.0211. (A) As used in this section: 38346

(1) "Port authority" means any port authority as defined 38347
in section 4582.01 or 4582.21 of the Revised Code. 38348

(2) "Real property" includes public utility real property 38349
and "personal property" includes public utility personal 38350
property. 38351

(3) "Uncollected taxes" means property taxes charged and 38352
payable against the property of a port authority for a tax year 38353
that a school district has not collected. 38354

(4) "Basic state aid" means a school district's state 38355
education aid. 38356

(5) "Effective value" means the sum of the effective 38357
residential/agricultural real property value, the effective 38358
nonresidential/agricultural real property value, and the 38359
effective personal value. 38360

(6) "Effective residential/agricultural real property 38361
value" means, for a tax year, the amount obtained by multiplying 38362
the value for that year of residential/agricultural real 38363
property subject to taxation in the district by a fraction, the 38364
numerator of which is the total taxes charged and payable for 38365

that year against the residential/agricultural real property 38366
subject to taxation in the district, exclusive of the 38367
uncollected taxes for that year on all real property subject to 38368
taxation in the district, and the denominator of which is the 38369
total taxes charged and payable for that year against the 38370
residential/agricultural real property subject to taxation in 38371
the district. 38372

(7) "Effective nonresidential/agricultural real property 38373
value" means, for a tax year, the amount obtained by multiplying 38374
the value for that year of nonresidential/agricultural real 38375
property subject to taxation in the district by a fraction, the 38376
numerator of which is the total taxes charged and payable for 38377
that year against the nonresidential/agricultural real property 38378
subject to taxation in the district, exclusive of the 38379
uncollected taxes for that year on all real property subject to 38380
taxation in the district, and the denominator of which is the 38381
total taxes charged and payable for that year against the 38382
nonresidential/agricultural real property subject to taxation in 38383
the district. 38384

(8) "Effective personal value" means, for a tax year, the 38385
amount obtained by multiplying the value for that year certified 38386
under division (A) (2) of section 3317.021 of the Revised Code by 38387
a fraction, the numerator of which is the total taxes charged 38388
and payable for that year against personal property subject to 38389
taxation in the district, exclusive of the uncollected taxes for 38390
that year on that property, and the denominator of which is the 38391
total taxes charged and payable for that year against personal 38392
property subject to taxation in the district. 38393

(9) "Nonresidential/agricultural real property value" 38394
means, for a tax year, the sum of the values certified for a 38395

school district for that year under division (B) (2) (a) of this 38396
section, and "residential/agricultural real property value" 38397
means, for a tax year, the sum of the values certified for a 38398
school district under division (B) (2) (b) of this section. 38399

(10) "Taxes charged and payable against real property" 38400
means the taxes charged and payable against that property after 38401
making the reduction required by section 319.301 of the Revised 38402
Code. 38403

(11) "Total taxes charged and payable" has the same 38404
meaning given "taxes charged and payable" in section 3317.02 of 38405
the Revised Code. 38406

(B) (1) By the first day of August of any calendar year, a 38407
school district shall notify the department of education and 38408
workforce if it has any uncollected taxes from one port 38409
authority for the second preceding tax year whose taxes charged 38410
and payable represent at least one-half of one per cent of the 38411
district's total taxes charged and payable for that tax year. 38412

(2) The department shall verify whether the district has 38413
such uncollected taxes by the first day of September, and if the 38414
district does, shall immediately request the county auditor of 38415
each county in which the school district has territory to 38416
certify the following information concerning the district's 38417
property values and taxes for the second preceding tax year, and 38418
each such auditor shall certify that information to the 38419
department within thirty days of receiving the request: 38420

(a) The value of the property subject to taxation in the 38421
district that was classified as nonresidential/agricultural real 38422
property pursuant to section 5713.041 of the Revised Code, and 38423
the taxes charged and payable on that property; and 38424

(b) The value of the property subject to taxation in the 38425
district that was classified as residential/agricultural real 38426
property under section 5713.041 of the Revised Code. 38427

(C) By the fifteenth day of November, the department shall 38428
compute the district's effective nonresidential/agricultural 38429
real property value, effective residential/agricultural real 38430
property value, effective personal value, and effective value, 38431
and shall determine whether the school district's effective 38432
value for the second preceding tax year is at least one per cent 38433
less than its total value for that year certified under 38434
divisions (A) (1) and (2) of section 3317.021 of the Revised 38435
Code. If it is, the department shall recompute the basic state 38436
aid payable to the district for the immediately preceding fiscal 38437
year using the effective value in lieu of the amounts previously 38438
certified under section 3317.021 of the Revised Code. The 38439
difference between the original basic state aid amount computed 38440
for the district for the preceding fiscal year and the 38441
recomputed amount shall be paid to the district from the lottery 38442
profits education fund before the end of the current fiscal 38443
year. 38444

(D) Except as provided in division (E) of this section, 38445
amounts received by a school district under division (C) of this 38446
section shall be repaid to the department ~~of education~~ in any 38447
future year to the extent the district receives payments of 38448
uncollectable taxes in such future year. The department shall 38449
notify a district of any amount owed under this division. 38450

(E) If a school district received a grant from the 38451
catastrophic expenditures account pursuant to division (C) of 38452
section 3316.20 of the Revised Code on the basis of the same 38453
circumstances for which a recomputation is made under this 38454

section, the amount of the recomputation shall be reduced and 38455
transferred in accordance with division (C) of section 3316.20 38456
of the Revised Code. 38457

Sec. 3317.0212. (A) As used in this section: 38458

(1) For fiscal years 2022 and 2023, "assigned bus" means a 38459
school bus used to transport qualifying riders. 38460

(2) For fiscal years 2022 and 2023, "density" means the 38461
total riders per square mile of a school district. 38462

(3) For fiscal years 2022 and 2023, "nontraditional 38463
ridership" means the average number of qualifying riders who are 38464
enrolled in a community school established under Chapter 3314. 38465
of the Revised Code, in a STEM school established under Chapter 38466
3326. of the Revised Code, or in a nonpublic school and are 38467
provided school bus service by a school district during the 38468
first full week of October. 38469

(4) "Qualifying riders" means the following: 38470

(a) For fiscal years 2022 and 2023, resident students 38471
enrolled in preschool and regular education in grades 38472
kindergarten to twelve who are provided school bus service by a 38473
school district, including students with dual enrollment in a 38474
joint vocational school district or a cooperative education 38475
school district, and students enrolled in a community school, 38476
STEM school, or nonpublic school; 38477

(b) For fiscal year 2024 and each fiscal year thereafter, 38478
students specified by the general assembly. 38479

(5) "Qualifying ridership" means the following: 38480

(a) For fiscal years 2022 and 2023, the greater of the 38481
average number of qualifying riders counted in the morning or 38482

counted in the afternoon who are provided school bus service by 38483
a school district during the first full week of October; 38484

(b) For fiscal year 2024 and each fiscal year thereafter, 38485
a ridership determined in a manner specified by the general 38486
assembly. 38487

(6) "Rider density" means the following: 38488

(a) For fiscal years 2022 and 2023, the following 38489
quotient: 38490

A school district's total number of qualifying riders/ the 38491
number of square miles in the district 38492

(b) For fiscal year 2024 and each fiscal year thereafter, 38493
a number calculated in a manner determined by the general 38494
assembly. 38495

(7) For fiscal years 2022 and 2023, "riders" means 38496
students enrolled in regular and special education in grades 38497
kindergarten through twelve who are provided school bus service 38498
by a school district, including students with dual enrollment in 38499
a joint vocational school district or a cooperative education 38500
school district, and students enrolled in a community school, 38501
STEM school, or nonpublic school. 38502

(8) "School bus service" means a school district's 38503
transportation of qualifying riders in any of the following 38504
types of vehicles: 38505

(a) School buses owned or leased by the district; 38506

(b) School buses operated by a private contractor hired by 38507
the district; 38508

(c) School buses operated by another school district or 38509

entity with which the district has contracted, either as part of 38510
a consortium for the provision of transportation or otherwise. 38511

(B) Not later than the first day of November, for fiscal 38512
years 2022 and 2023, or a date determined by the general 38513
assembly, for fiscal year 2024 and each fiscal year thereafter, 38514
of each year, each city, local, and exempted village school 38515
district shall report to the department of education and 38516
workforce its qualifying ridership and any other information 38517
requested by the department. Subsequent adjustments to the 38518
reported numbers shall be made only in accordance with rules 38519
adopted by the department. 38520

(C) The department shall calculate the statewide 38521
transportation cost per student as follows: 38522

(1) Determine each city, local, and exempted village 38523
school district's transportation cost per student by dividing 38524
the district's total costs for school bus service in the 38525
previous fiscal year by its qualifying ridership in the previous 38526
fiscal year. 38527

(2) After excluding districts that do not provide school 38528
bus service and the ten districts with the highest 38529
transportation costs per student and the ten districts with the 38530
lowest transportation costs per student, divide the aggregate 38531
cost for school bus service for the remaining districts in the 38532
previous fiscal year by the aggregate qualifying ridership of 38533
those districts in the previous fiscal year. 38534

(D) The department shall calculate the statewide 38535
transportation cost per mile as follows: 38536

(1) Determine each city, local, and exempted village 38537
school district's transportation cost per mile by dividing the 38538

district's total costs for school bus service in the previous 38539
fiscal year by its total number of miles driven for school bus 38540
service in the previous fiscal year. 38541

(2) After excluding districts that do not provide school 38542
bus service and the ten districts with the highest 38543
transportation costs per mile and the ten districts with the 38544
lowest transportation costs per mile, divide the aggregate cost 38545
for school bus service for the remaining districts in the 38546
previous fiscal year by the aggregate miles driven for school 38547
bus service in those districts in the previous fiscal year. 38548

(E) The department shall calculate each city, local, and 38549
exempted village school district's transportation base payment 38550
as follows: 38551

(1) For fiscal years 2022 and 2023: 38552

(a) Calculate the sum of the following: 38553

(i) The product of the statewide transportation cost per 38554
student and the number of students counted in the district's 38555
qualifying ridership for the current fiscal year who are 38556
enrolled in the district; 38557

(ii) 1.5 times the statewide transportation cost per 38558
student times the number of students counted in the district's 38559
qualifying ridership for the current fiscal year who are 38560
enrolled in community schools established under Chapter 3314. of 38561
the Revised Code or STEM schools established under Chapter 3326. 38562
of the Revised Code; 38563

(iii) 2.0 times the statewide transportation cost per 38564
student times the number of students counted in the district's 38565
qualifying ridership for the current fiscal year who are 38566
enrolled in nonpublic schools. 38567

(b) Calculate the sum of the following:	38568
(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district;	38569 38570 38571 38572
(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in community schools or STEM schools;	38573 38574 38575 38576
(iii) 2.0 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in nonpublic schools.	38577 38578 38579 38580
(c) Multiply the greater of the amounts calculated under divisions (E) (1) (a) and (b) of this section by the following:	38581 38582
(i) For fiscal year 2022, the greater of twenty-nine and one-sixth per cent or the district's state share percentage, as defined in section 3317.02 of the Revised Code;	38583 38584 38585
(ii) For fiscal year 2023, the greater of thirty-three and one-third per cent or the district's state share percentage.	38586 38587
(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly.	38588 38589
(F) For fiscal years 2022 and 2023, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F) (1) to (3) of this section. For fiscal year 2024 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the general assembly, if the general assembly authorizes such	38590 38591 38592 38593 38594 38595

a payment to districts. 38596

(1) The department annually shall establish a target 38597
number of qualifying riders per assigned bus for each city, 38598
local, and exempted village school district. The department 38599
shall use the most recently available data in establishing the 38600
target number. The target number shall be based on the statewide 38601
median number of riders per assigned bus as adjusted to reflect 38602
the district's density in comparison to the density of all other 38603
districts. The department shall post on the department's web 38604
site each district's target number of riders per assigned bus 38605
and a description of how the target number was determined. 38606

(2) The department shall determine each school district's 38607
efficiency index by dividing the district's number of riders per 38608
assigned bus by its target number of riders per assigned bus. 38609

(3) The department shall determine each city, local, and 38610
exempted village school district's efficiency adjustment payment 38611
as follows: 38612

(a) If the district's efficiency index is equal to or 38613
greater than 1.5, the efficiency adjustment payment shall be 38614
calculated according to the following formula: 38615

0.15 X the district's transportation base payment calculated 38616
under division (E) of this section 38617

(b) If the district's efficiency index is less than 1.5 38618
but greater than or equal to 1.0, the efficiency adjustment 38619
payment shall be calculated according to the following formula: 38620

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 38621
district's transportation base payment calculated under division 38622
(E) of this section 38623

(c) If the district's efficiency index is less than 1.0, 38624
the efficiency adjustment payment shall be zero. 38625

(G) In addition to funds paid under divisions (E), (F), 38626
and (H) of this section, each city, local, and exempted village 38627
district shall receive in accordance with rules adopted by the 38628
~~state board of education department~~ a payment for students 38629
transported by means other than school bus service and whose 38630
transportation is not funded under division (C) of section 38631
3317.024 of the Revised Code. The rules shall include provisions 38632
for school district reporting of such students. 38633

(H) (1) For purposes of division (H) of this section, a 38634
school district's "transportation supplement percentage" means 38635
the following: 38636

(a) For fiscal years 2022 and 2023, the following 38637
quotient: 38638

$$(28 - \text{the district's rider density}) / 100 \quad 38639$$

If the result of the calculation for a district under 38640
division (H) (1) (a) of this section is less than zero, the 38641
district's transportation supplement percentage shall be zero. 38642

(b) For fiscal year 2024 and each fiscal year thereafter, 38643
a percentage calculated in a manner determined by the general 38644
assembly. 38645

(2) The department shall pay each district a 38646
transportation supplement calculated according to the following 38647
formula: 38648

The district's transportation supplement percentage X the amount 38649

calculated for the district under division (E) (1) (b) of this 38650

section X 0.55 38651

(I) (1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of section 3314.091 of the Revised Code, the department shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C) (1) of that section. If a community school governing authority accepts transportation responsibility under division (B) of that section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C) (1) of that section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B) (1) or (2) of section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of

the ~~state board of education department~~ implementing this 38682
section, the payment to the community school shall be the 38683
following: 38684

(i) For fiscal years 2022 and 2023, either of the 38685
following: 38686

(I) If the school district in which the student is 38687
entitled to attend school would have used a method of 38688
transportation for the student for which payments are computed 38689
and paid under division (E) of this section, 1.0 times the 38690
statewide transportation cost per student, as calculated in 38691
division (C) of this section; 38692

(II) If the school district in which the student is 38693
entitled to attend school would have used a method of 38694
transportation for the student for which payments are computed 38695
and paid in a manner described in division (G) of this section, 38696
the amount that would otherwise be computed for and paid to the 38697
district. 38698

(ii) For fiscal year 2024 and each fiscal year thereafter, 38699
an amount calculated in a manner determined by the general 38700
assembly. 38701

The community school, however, is not required to use the 38702
same method to transport the student. 38703

As used in this division, "entitled to attend school" 38704
means entitled to attend school under section 3313.64 or 3313.65 38705
of the Revised Code. 38706

(2) A community school shall be paid under division (I) (2) 38707
of this section only for students who are eligible as specified 38708
in section 3327.01 of the Revised Code and division (C) (1) of 38709
section 3314.091 of the Revised Code, and whose transportation 38710

to and from school is actually provided, who actually utilized 38711
transportation arranged, or for whom a payment in lieu of 38712
transportation is made by the community school's governing 38713
authority. To qualify for the payments, the community school 38714
shall report to the department, in the form and manner required 38715
by the department, data on the number of students transported or 38716
whose transportation is arranged, the number of miles traveled, 38717
cost to transport, and any other information requested by the 38718
department. 38719

Sec. 3317.0213. (A) The department of education and 38720
workforce shall compute and pay in accordance with this section 38721
additional state aid for preschool children with disabilities to 38722
each city, local, and exempted village school district and to 38723
each institution, as defined in section 3323.091 of the Revised 38724
Code. Funding shall be provided for children who are not 38725
enrolled in kindergarten and who are under age six on the 38726
thirtieth day of September of the academic year, or on the first 38727
day of August of the academic year if the school district in 38728
which the child is enrolled has adopted a resolution under 38729
division (A) (3) of section 3321.01 of the Revised Code, but not 38730
less than age three on the first day of December of the academic 38731
year. 38732

For fiscal years 2022 and 2023, the additional state aid 38733
shall be calculated under the following formula: 38734

(\$4,000 X the number of students who are preschool 38735
children with disabilities) + the sum of the following: 38736

(1) The district's or institution's category one special 38737
education students who are preschool children with disabilities 38738
X the multiple specified in division (A) of section 3317.013 of 38739
the Revised Code X the statewide average base cost per pupil for 38740

that fiscal year X the district's state share percentage X 0.50; 38741

(2) The district's or institution's category two special 38742
education students who are preschool children with disabilities 38743
X the multiple specified in division (B) of section 3317.013 of 38744
the Revised Code X the statewide average base cost per pupil for 38745
that fiscal year X the district's state share percentage X 0.50; 38746

(3) The district's or institution's category three special 38747
education students who are preschool children with disabilities 38748
X the multiple specified in division (C) of section 3317.013 of 38749
the Revised Code X the statewide average base cost per pupil for 38750
that fiscal year X the district's state share percentage X 0.50; 38751

(4) The district's or institution's category four special 38752
education students who are preschool children with disabilities 38753
X the multiple specified in division (D) of section 3317.013 of 38754
the Revised Code X the statewide average base cost per pupil for 38755
that fiscal year X the district's state share percentage X 0.50; 38756

(5) The district's or institution's category five special 38757
education students who are preschool children with disabilities 38758
X the multiple specified in division (E) of section 3317.013 of 38759
the Revised Code X the statewide average base cost per pupil for 38760
that fiscal year X the district's state share percentage X 0.50; 38761

(6) The district's or institution's category six special 38762
education students who are preschool children with disabilities 38763
X the multiple specified in division (F) of section 3317.013 of 38764
the Revised Code X the statewide average base cost per pupil for 38765
that fiscal year X the district's state share percentage X 0.50. 38766

For fiscal year 2024 and each fiscal year thereafter, the 38767
additional state aid shall be calculated for each category of 38768
special education students who are preschool children with 38769

disabilities using a formula specified by the general assembly. 38770

The special education disability categories for preschool 38771
children used in this section are the same categories prescribed 38772
in section 3317.013 of the Revised Code. 38773

As used in division (A) of this section, the state share 38774
percentage of a student enrolled in an institution is the state 38775
share percentage of the school district in which the student is 38776
entitled to attend school under section 3313.64 or 3313.65 of 38777
the Revised Code. 38778

(B) If an educational service center is providing services 38779
to students who are preschool children with disabilities under 38780
agreement with the city, local, or exempted village school 38781
district in which the students are entitled to attend school, 38782
that district may authorize the department to transfer funds 38783
computed under this section to the service center providing 38784
those services. 38785

(C) If a county DD board is providing services to students 38786
who are preschool children with disabilities under agreement 38787
with the city, local, or exempted village school district in 38788
which the students are entitled to attend school, the department 38789
shall deduct from the district's payment computed under division 38790
(A) of this section the total amount of those funds that are 38791
attributable to the students served by the county DD board and 38792
pay that amount to that board. 38793

Sec. 3317.0214. (A) The department of education and 38794
workforce shall compute and pay in accordance with this section 38795
additional state aid to school districts for students in 38796
categories two through six special education ADM. If a 38797
district's costs for the fiscal year for a student in its 38798

categories two through six special education ADM exceed the 38799
threshold catastrophic cost for serving the student, the 38800
district may submit to the ~~superintendent of public instruction~~
department documentation, as prescribed by the 38801
~~superintendent~~department, of all its costs for that student. 38802
Upon submission of documentation for a student of the type and 38803
in the manner prescribed, the department shall pay to the 38804
district an amount equal to the sum of the following: 38805
38806

(1) One-half of the district's costs for the student in 38807
excess of the threshold catastrophic cost; 38808

(2) The product of one-half of the district's costs for 38809
the student in excess of the threshold catastrophic cost 38810
multiplied by the district's state share percentage. 38811

(B) For purposes of division (A) of this section, the 38812
threshold catastrophic cost for serving a student equals: 38813

(1) For a student in the school district's category two, 38814
three, four, or five special education ADM, twenty-seven 38815
thousand three hundred seventy-five dollars; 38816

(2) For a student in the district's category six special 38817
education ADM, thirty-two thousand eight hundred fifty dollars. 38818

(C) The district shall report under division (A) of this 38819
section, and the department shall pay for, only the costs of 38820
educational expenses and the related services provided to the 38821
student in accordance with the student's individualized 38822
education program. Any legal fees, court costs, or other costs 38823
associated with any cause of action relating to the student may 38824
not be included in the amount. 38825

Sec. 3317.0215. (A) (1) For fiscal years 2022 and 2023, the 38826
department of education and workforce shall withhold from the 38827

aggregate amount paid for a fiscal year to each city, local, 38828
exempted village, and joint vocational school district, 38829
community school established under Chapter 3314. of the Revised 38830
Code, and science, technology, engineering, and mathematics 38831
school established under Chapter 3326. of the Revised Code an 38832
amount equal to the following: 38833

(a) In the case of a city, local, or exempted village 38834
school district, the aggregate amount of special education 38835
funding paid to the district under division (A) (3) of section 38836
3317.022 of the Revised Code times 0.10, subject to any funding 38837
limitations enacted by the general assembly to the computation. 38838

(b) In the case of a community school or STEM school, the 38839
aggregate amount of special education funding paid to the school 38840
under division (A) (1) (b) of section 3317.026 of the Revised Code 38841
times 0.10, subject to any funding limitations enacted by the 38842
general assembly to the computation. 38843

(c) In the case of a joint vocational school district, the 38844
aggregate amount of special education funding paid to the school 38845
under division (A) (2) of section 3317.16 of the Revised Code 38846
times 0.10, subject to any funding limitations enacted by the 38847
general assembly to the computation. 38848

(2) For fiscal year 2024 and each fiscal year thereafter, 38849
the department ~~of education~~ shall withhold from the aggregate 38850
amount paid for a fiscal year to each city, local, exempted 38851
village, and joint vocational school district, community school, 38852
and science, technology, engineering, and mathematics school an 38853
amount determined by the general assembly, if any, for purposes 38854
of this section. 38855

(B) For fiscal years 2022 and 2023, the department shall 38856

use the amount of funds withheld under division (A) of this 38857
section for purposes of division (C) (1) of section 3314.08 of 38858
the Revised Code, section 3317.0214 of the Revised Code, 38859
division (B) of section 3317.16 of the Revised Code, and section 38860
3326.34 of the Revised Code. 38861

For fiscal year 2024 and each fiscal year thereafter, the 38862
department shall use the amount of funds withheld under division 38863
(A) of this section, if any, for purposes determined by the 38864
general assembly. 38865

Sec. 3317.0217. This section shall apply only for fiscal 38866
years 2022 and 2023. 38867

Payment of the amount calculated for a school district 38868
under this section shall be made under division (A) of section 38869
3317.022 of the Revised Code. 38870

(A) For each fiscal year, the department of education and 38871
workforce shall compute targeted assistance funds for city, 38872
local, and exempted village school districts, in accordance with 38873
the following formula: 38874

A district's capacity amount for that fiscal year calculated 38875
under division (B) of this section + a district's wealth amount 38876
for that fiscal year calculated under division (C) of this 38877
section 38878

(B) The department shall calculate each district's 38879
capacity amount for a fiscal year as follows: 38880

(1) Calculate each district's weighted wealth for that 38881
fiscal year, which equals the following sum: 38882

(The amount determined for the district for that fiscal year 38883
under division (A) (1) (a) of section 3317.017 of the Revised Code 38884

X 0.6) + (the amount determined for the district for that fiscal year under division (A) (2) (a) of section 3317.017 of the Revised Code X 0.4) 38885
38886
38887

(2) Determine the median weighted wealth of all school districts in this state for that fiscal year; 38888
38889

(3) Compute each district's capacity index for that fiscal year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year; 38890
38891
38892
38893

(4) Compute each district's capacity amount for that fiscal year as follows: 38894
38895

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year: 38896
38897
38898

(i) The district's capacity index is less than 1. 38899

(ii) The district's enrolled ADM is less than 200. 38900

(b) If the district does not satisfy either of the criteria specified in division (B) (4) (a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows: 38901
38902
38903
38904

(i) Compute the following amount for the district: 38905

(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) - (the district's weighted wealth for that fiscal year X 0.008) 38906
38907
38908

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be 38909
38910
38911

equal to 0.05 X the amount computed under division (B) (4) (b) (i) 38912
of this section. 38913

(iii) If the district's enrolled ADM for that fiscal year 38914
is greater than 400 and less than 600, the district's capacity 38915
amount for that fiscal year shall be calculated in accordance 38916
with the following formula: 38917

{[0.95 X (the district's enrolled ADM for that fiscal year - 38918
400)/200] + 0.05} X the amount computed under division (B) (4) (b) 38919
(i) of this section 38920

(iv) If the district's enrolled ADM for that fiscal year 38921
is greater than or equal to 600, the district's capacity amount 38922
for that fiscal year shall be equal to the amount computed under 38923
division (B) (4) (b) (i) of this section. 38924

(C) The department shall calculate each district's wealth 38925
amount for a fiscal year as follows: 38926

(1) Calculate each district's weighted wealth per pupil 38927
for that fiscal year, which equals the following quotient: 38928

The district's weighted wealth for that fiscal year calculated 38929
under division (B) (1) of this section/ (the district's enrolled 38930
ADM for that fiscal year - the students described in division 38931
(A) (1) (b) of section 3317.03 of the Revised Code + the students 38932
described in division (A) (2) (d) of section 3317.03 of the 38933
Revised Code) 38934

(2) Determine the median weighted wealth per pupil of all 38935
school districts in this state for that fiscal year; 38936

(3) Compute each district's wealth index for that fiscal 38937
year by dividing the median weighted wealth per pupil of all 38938
school districts in this state for that fiscal year by the 38939

district's weighted wealth per pupil for that fiscal year; 38940

(4) Compute each district's wealth amount for that fiscal 38941
year, as follows: 38942

(a) If the district's wealth index computed under division 38943
(C) (3) of this section for that fiscal year is less than 0.8, 38944
the district's wealth amount for that fiscal year shall be zero. 38945

(b) If the district's wealth index computed under division 38946
(C) (3) of this section for that fiscal year is greater than or 38947
equal to 0.8, the district's wealth amount for that fiscal year 38948
shall be calculated in accordance with the following formula: 38949

[(The median weighted wealth per pupil of all school districts 38950
in this state for that fiscal year X 0.014) - (the district's 38951
weighted wealth per pupil for that fiscal year X 0.0112)] X the 38952
district's enrolled ADM for that fiscal year 38953

Sec. 3317.0218. This section shall apply only for fiscal 38954
years 2022 and 2023. 38955

For each fiscal year, the department of education and 38956
workforce shall compute supplemental targeted assistance for 38957
each city, local, and exempted village school district as 38958
follows: 38959

(A) Determine if the district satisfies both of the 38960
following criteria: 38961

(1) The wealth index calculated for the district for 38962
fiscal year 2019 under division (A) (4) of former section 38963
3317.0217 of the Revised Code as it existed prior to ~~the~~ 38964
~~effective date of this section~~ September 30, 2021, is greater 38965
than 1.6; 38966

(2) The district's enrolled ADM for fiscal year 2019 is 38967

less than eighty-eight per cent of the district's total ADM for 38968
fiscal year 2019. 38969

(B) Determine the maximum of the wealth indices calculated 38970
under division (A) (4) of former section 3317.0217 of the Revised 38971
Code as it existed prior to ~~the effective date of this section~~ 38972
September 30, 2021, for all districts that satisfy both of the 38973
criteria specified under division (A) of this section; 38974

(C) If the district satisfies both of the criteria 38975
specified under division (A) of this section, compute the 38976
district's supplemental amount as the product of the following: 38977

(1) $\{[(\text{The number specified under division (A) (1) of this}$ 38978
 $\text{section} - 1.6) / (\text{the number determined under division (B) of}$ 38979
 $\text{this section} - 1.6)] \times 675\} + 75;$ 38980

(2) The district's enrolled ADM. 38981

(D) If the district does not satisfy both of the criteria 38982
specified under division (A) of this section, the district's 38983
supplemental amount shall be equal to zero. 38984

Sec. 3317.03. (A) The superintendent of each city, local, 38985
and exempted village school district shall report to the ~~state~~ 38986
~~board department~~ of education and workforce as of the last day 38987
of October, March, and June of each year the enrollment of 38988
students receiving services from schools under the 38989
superintendent's supervision, and the numbers of other students 38990
entitled to attend school in the district under section 3313.64 38991
or 3313.65 of the Revised Code the superintendent is required to 38992
report under this section, so that the ~~department of education~~ 38993
can calculate the district's enrolled ADM, formula ADM, total 38994
ADM, category one through five career-technical education ADM, 38995
category one through three English learner ADM, category one 38996

through six special education ADM, transportation ADM, and, for 38997
purposes of provisions of law outside of Chapter 3317. of the 38998
Revised Code, average daily membership. 38999

(1) The enrollment reported by the superintendent during 39000
the reporting period shall consist of the number of students in 39001
grades kindergarten through twelve receiving any educational 39002
services from the district, except that the following categories 39003
of students shall not be included in the determination: 39004

(a) Students enrolled in adult education classes; 39005

(b) Adjacent or other district students enrolled in the 39006
district under an open enrollment policy pursuant to section 39007
3313.98 of the Revised Code; 39008

(c) Students receiving services in the district pursuant 39009
to a compact, cooperative education agreement, or a contract, 39010
but who are entitled to attend school in another district 39011
pursuant to section 3313.64 or 3313.65 of the Revised Code; 39012

(d) Students for whom tuition is payable pursuant to 39013
sections 3317.081 and 3323.141 of the Revised Code; 39014

(e) Students receiving services in the district through a 39015
scholarship awarded under either section 3310.41 or sections 39016
3310.51 to 3310.64 of the Revised Code. 39017

When reporting students under division (A)(1) of this 39018
section, the superintendent also shall report the district where 39019
each student is entitled to attend school pursuant to sections 39020
3313.64 and 3313.65 of the Revised Code. 39021

(2) The department ~~of education~~ shall compile a list of 39022
all students reported to be enrolled in a district under 39023
division (A)(1) of this section and of the students entitled to 39024

attend school in the district pursuant to section 3313.64 or	39025
3313.65 of the Revised Code on an FTE basis but receiving	39026
educational services in grades kindergarten through twelve from	39027
one or more of the following entities:	39028
(a) A community school pursuant to Chapter 3314. of the	39029
Revised Code, including any participation in a college pursuant	39030
to Chapter 3365. of the Revised Code while enrolled in such	39031
community school;	39032
(b) An alternative school pursuant to sections 3313.974 to	39033
3313.979 of the Revised Code;	39034
(c) A college pursuant to Chapter 3365. of the Revised	39035
Code, except when the student is enrolled in the college while	39036
also enrolled in a community school pursuant to Chapter 3314., a	39037
science, technology, engineering, and mathematics school	39038
established under Chapter 3326., or a college-preparatory	39039
boarding school established under Chapter 3328. of the Revised	39040
Code;	39041
(d) An adjacent or other school district under an open	39042
enrollment policy adopted pursuant to section 3313.98 of the	39043
Revised Code;	39044
(e) An educational service center or cooperative education	39045
district;	39046
(f) Another school district under a cooperative education	39047
agreement, compact, or contract;	39048
(g) A chartered nonpublic school with a scholarship paid	39049
under section 3317.022 of the Revised Code, if the students	39050
qualified for the scholarship under section 3310.03 or 3310.032	39051
of the Revised Code;	39052

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A) (2) (d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A) (2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department ~~of education~~ to obtain the 39082
data needed to complete the calculation of payments pursuant to 39083
this chapter, each superintendent shall certify from the reports 39084
provided by the department under division (A) of this section 39085
all of the following: 39086

(1) The total student enrollment in regular learning day 39087
classes included in the report under division (A) (1) or (2), 39088
including any student described in division (A) (1) (b) of this 39089
section and excluding any student reported under divisions (A) 39090
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, of 39091
this section for each of the individual grades kindergarten 39092
through twelve in schools under the superintendent's 39093
supervision; 39094

(2) The unduplicated count of the number of preschool 39095
children with disabilities enrolled in the district for whom the 39096
district is eligible to receive funding under section 3317.0213 39097
of the Revised Code adjusted for the portion of the year each 39098
child is so enrolled, in accordance with the disability 39099
categories prescribed in section 3317.013 of the Revised Code; 39100

(3) The number of children entitled to attend school in 39101
the district pursuant to section 3313.64 or 3313.65 of the 39102
Revised Code who are: 39103

(a) Enrolled in a college under Chapter 3365. of the 39104
Revised Code, except when the student is enrolled in the college 39105
while also enrolled in a community school pursuant to Chapter 39106
3314. of the Revised Code, a science, technology, engineering, 39107
and mathematics school established under Chapter 3326., or a 39108
college-preparatory boarding school established under Chapter 39109
3328. of the Revised Code; 39110

(b) Participating in a program operated by a county board of developmental disabilities or a state institution + .	39111
	39112
(4) The total enrollment of pupils in joint vocational schools;	39113
	39114
(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section, including any student described in division (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	39115
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(6) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section, including any student described in division (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	39126
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	39136
(7) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section, including any student described in division (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b),	39137
	39138
	39139
	39140

(d), (g), (h), (i), and (j) of this section, receiving special 39141
education services for category three disabilities described in 39142
division (C) of section 3317.013 of the Revised Code, including 39143
children attending a special education program operated by an 39144
alternative public provider or a registered private provider 39145
with a scholarship awarded under sections 3310.51 to 3310.64 of 39146
the Revised Code; 39147

(8) The combined enrollment of children with disabilities 39148
reported under division (A)(1) or (2) of this section, including 39149
any student described in division (A)(1)(b) of this section and 39150
excluding any student reported under divisions (A)(2)(a), (b), 39151
(d), (g), (h), (i), and (j) of this section, receiving special 39152
education services for category four disabilities described in 39153
division (D) of section 3317.013 of the Revised Code, including 39154
children attending a special education program operated by an 39155
alternative public provider or a registered private provider 39156
with a scholarship awarded under sections 3310.51 to 3310.64 of 39157
the Revised Code; 39158

(9) The combined enrollment of children with disabilities 39159
reported under division (A)(1) or (2) of this section, including 39160
any student described in division (A)(1)(b) of this section and 39161
excluding any student reported under divisions (A)(2)(a), (b), 39162
(d), (g), (h), (i), and (j) of this section, receiving special 39163
education services for the category five disabilities described 39164
in division (E) of section 3317.013 of the Revised Code, 39165
including children attending a special education program 39166
operated by an alternative public provider or a registered 39167
private provider with a scholarship awarded under sections 39168
3310.51 to 3310.64 of the Revised Code; 39169

(10) The combined enrollment of children with disabilities 39170

reported under division (A) (1) or (2) of this section, including 39171
any student described in division (A) (1) (b) of this section and 39172
excluding any student reported under divisions (A) (2) (a), (b), 39173
(d), (g), (h), (i), and (j) of this section, receiving special 39174
education services for category six disabilities described in 39175
division (F) of section 3317.013 of the Revised Code, including 39176
children attending a special education program operated by an 39177
alternative public provider or a registered private provider 39178
with a scholarship awarded under either section 3310.41 or 39179
sections 3310.51 to 3310.64 of the Revised Code; 39180

(11) The enrollment of pupils reported under division (A) 39181
(1) or (2) of this section on a full-time equivalency basis, 39182
including any student described in division (A) (1) (b) of this 39183
section and excluding any student reported under divisions (A) 39184
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39185
category one career-technical education programs or classes, 39186
described in division (A) (1) of section 3317.014 of the Revised 39187
Code, operated by the school district or by another district 39188
that is a member of the district's career-technical planning 39189
district, other than a joint vocational school district, or by 39190
an educational service center, notwithstanding division (M) of 39191
section 3317.02 of the Revised Code and division (C) (3) of this 39192
section; 39193

(12) The enrollment of pupils reported under division (A) 39194
(1) or (2) of this section on a full-time equivalency basis, 39195
including any student described in division (A) (1) (b) of this 39196
section and excluding any student reported under divisions (A) 39197
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39198
category two career-technical education programs or services, 39199
described in division (A) (2) of section 3317.014 of the Revised 39200
Code, operated by the school district or another school district 39201

that is a member of the district's career-technical planning 39202
district, other than a joint vocational school district, or by 39203
an educational service center, notwithstanding division (M) of 39204
section 3317.02 of the Revised Code and division (C) (3) of this 39205
section; 39206

(13) The enrollment of pupils reported under division (A) 39207
(1) or (2) of this section on a full-time equivalency basis, 39208
including any student described in division (A) (1) (b) of this 39209
section and excluding any student reported under divisions (A) 39210
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39211
category three career-technical education programs or services, 39212
described in division (A) (3) of section 3317.014 of the Revised 39213
Code, operated by the school district or another school district 39214
that is a member of the district's career-technical planning 39215
district, other than a joint vocational school district, or by 39216
an educational service center, notwithstanding division (M) of 39217
section 3317.02 of the Revised Code and division (C) (3) of this 39218
section; 39219

(14) The enrollment of pupils reported under division (A) 39220
(1) or (2) of this section on a full-time equivalency basis, 39221
including any student described in division (A) (1) (b) of this 39222
section and excluding any student reported under divisions (A) 39223
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39224
category four career-technical education programs or services, 39225
described in division (A) (4) of section 3317.014 of the Revised 39226
Code, operated by the school district or another school district 39227
that is a member of the district's career-technical planning 39228
district, other than a joint vocational school district, or by 39229
an educational service center, notwithstanding division (M) of 39230
section 3317.02 of the Revised Code and division (C) (3) of this 39231
section; 39232

(15) The enrollment of pupils reported under division (A) 39233
(1) or (2) of this section on a full-time equivalency basis, 39234
including any student described in division (A) (1) (b) of this 39235
section and excluding any student reported under divisions (A) 39236
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 39237
category five career-technical education programs or services, 39238
described in division (A) (5) of section 3317.014 of the Revised 39239
Code, operated by the school district or another school district 39240
that is a member of the district's career-technical planning 39241
district, other than a joint vocational school district, or by 39242
an educational service center, notwithstanding division (M) of 39243
section 3317.02 of the Revised Code and division (C) (3) of this 39244
section; 39245

(16) The enrollment of pupils reported under division (A) 39246
(1) or (2) of this section who are English learners described in 39247
division (A) of section 3317.016 of the Revised Code, including 39248
any student described in division (A) (1) (b) of this section and 39249
excluding any student reported under divisions (A) (2) (a), (b), 39250
(d), (g), (h), (i), and (j) of this section; 39251

(17) The enrollment of pupils reported under division (A) 39252
(1) or (2) of this section who are English learners described in 39253
division (B) of section 3317.016 of the Revised Code, including 39254
any student described in division (A) (1) (b) of this section and 39255
excluding any student reported under divisions (A) (2) (a), (b), 39256
(d), (g), (h), (i), and (j) of this section; 39257

(18) The enrollment of pupils reported under division (A) 39258
(1) or (2) of this section who are English learners described in 39259
division (C) of section 3317.016 of the Revised Code, including 39260
any student described in division (A) (1) (b) of this section and 39261
excluding any student reported under divisions (A) (2) (a), (b), 39262

(d), (g), (h), (i), and (j) of this section;	39263
(19) The average number of children transported during the reporting period by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education ;	39264 39265 39266 39267
(20) (a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B) (20) (a) of this section does not apply after fiscal year 2013.	39268 39269 39270 39271 39272
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	39273 39274 39275 39276 39277 39278
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;	39279 39280 39281 39282 39283 39284
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	39285 39286 39287 39288 39289 39290
(e) The number of children with disabilities, other than	39291

preschool children with disabilities, placed with a county board 39292
of developmental disabilities in the current fiscal year to 39293
receive special education services for category four 39294
disabilities described in division (D) of section 3317.013 of 39295
the Revised Code; 39296

(f) The number of children with disabilities, other than 39297
preschool children with disabilities, placed with a county board 39298
of developmental disabilities in the current fiscal year to 39299
receive special education services for the category five 39300
disabilities described in division (E) of section 3317.013 of 39301
the Revised Code; 39302

(g) The number of children with disabilities, other than 39303
preschool children with disabilities, placed with a county board 39304
of developmental disabilities in the current fiscal year to 39305
receive special education services for category six disabilities 39306
described in division (F) of section 3317.013 of the Revised 39307
Code. 39308

(21) The enrollment of students who are economically 39309
disadvantaged, as defined by the department, including any 39310
student described in divisions (A) (1) (b) of this section and 39311
excluding any student reported under divisions (A) (2) (a), (b), 39312
(d), (g), (h), (i), and (j) of this section. A student shall not 39313
be categorically excluded from the number reported under 39314
division (B) (21) of this section based on anything other than 39315
family income. 39316

(22) The enrollment of students identified as gifted under 39317
division (A), (B), (C), or (D) of section 3324.03 of the Revised 39318
Code. 39319

(C) (1) The ~~state board of education~~ department shall adopt 39320

rules necessary for implementing divisions (A), (B), and (D) of 39321
this section. 39322

(2) A student enrolled in a community school established 39323
under Chapter 3314., a science, technology, engineering, and 39324
mathematics school established under Chapter 3326., or a 39325
college-preparatory boarding school established under Chapter 39326
3328. of the Revised Code shall be counted in the formula ADM of 39327
the school district in which the student is entitled to attend 39328
school under section 3313.64 or 3313.65 of the Revised Code for 39329
the same proportion of the school year that the student is 39330
counted in the enrollment of the community school, the science, 39331
technology, engineering, and mathematics school, or the college- 39332
preparatory boarding school for purposes of section 3317.022 or 39333
3328.24 of the Revised Code. Notwithstanding the enrollment of 39334
students reported pursuant to division (A)(2)(a), (i), or (j) of 39335
this section, the department may adjust the formula ADM of a 39336
school district to account for students entitled to attend 39337
school in the district under section 3313.64 or 3313.65 of the 39338
Revised Code who are enrolled in a community school, a science, 39339
technology, engineering, and mathematics school, or a college- 39340
preparatory boarding school for only a portion of the school 39341
year. 39342

(3) No child shall be counted as more than a total of one 39343
child in the sum of the enrollment of students of a school 39344
district under division (A), divisions (B)(1) to (22), or 39345
division (D) of this section, except as follows: 39346

(a)(i) A child with a disability described in section 39347
3317.013 of the Revised Code may be counted both in formula ADM 39348
and in category one, two, three, four, five, or six special 39349
education ADM and, if applicable, in category one, two, three, 39350

four, or five career-technical education ADM. As provided in 39351
division (M) of section 3317.02 of the Revised Code, such a 39352
child shall be counted in category one, two, three, four, five, 39353
or six special education ADM in the same proportion that the 39354
child is counted in formula ADM. 39355

(ii) A child with a disability described in section 39356
3317.013 of the Revised Code may be counted both in enrolled ADM 39357
and in category one, two, three, four, five, or six special 39358
education ADM and, if applicable, in category one, two, three, 39359
four, or five career-technical education ADM. As provided in 39360
division (M) of section 3317.02 of the Revised Code, such a 39361
child shall be counted in category one, two, three, four, five, 39362
or six special education ADM in the same proportion that the 39363
child is counted in enrolled ADM. 39364

(b) (i) A child enrolled in career-technical education 39365
programs or classes described in section 3317.014 of the Revised 39366
Code may be counted both in formula ADM and category one, two, 39367
three, four, or five career-technical education ADM and, if 39368
applicable, in category one, two, three, four, five, or six 39369
special education ADM. Such a child shall be counted in category 39370
one, two, three, four, or five career-technical education ADM in 39371
the same proportion as the percentage of time that the child 39372
spends in the career-technical education programs or classes. 39373

(ii) A child enrolled in career-technical education 39374
programs or classes described in section 3317.014 of the Revised 39375
Code may be counted both in enrolled ADM and category one, two, 39376
three, four, or five career-technical education ADM and, if 39377
applicable, in category one, two, three, four, five, or six 39378
special education ADM. Such a child shall be counted in category 39379
one, two, three, four, or five career-technical education ADM in 39380

the same proportion as the percentage of time that the child 39381
spends in the career-technical education programs or classes. 39382

(4) Based on the information reported under this section, 39383
the department ~~of education~~ shall determine the total student 39384
count, as defined in section 3301.011 of the Revised Code, for 39385
each school district. 39386

(D) (1) The superintendent of each joint vocational school 39387
district shall report and certify to the ~~superintendent of~~ 39388
~~public instruction department~~ as of the last day of October, 39389
March, and June of each year the enrollment of students 39390
receiving services from schools under the superintendent's 39391
supervision so that the department can calculate the district's 39392
enrolled ADM, formula ADM, total ADM, category one through five 39393
career-technical education ADM, category one through three 39394
English learner ADM, category one through six special education 39395
ADM, and for purposes of provisions of law outside of Chapter 39396
3317. of the Revised Code, average daily membership. 39397

The enrollment reported and certified by the 39398
superintendent, except as otherwise provided in this division, 39399
shall consist of the number of students in grades six through 39400
twelve receiving any educational services from the district, 39401
except that the following categories of students shall not be 39402
included in the determination: 39403

(a) Students enrolled in adult education classes; 39404

(b) Adjacent or other district joint vocational students 39405
enrolled in the district under an open enrollment policy 39406
pursuant to section 3313.98 of the Revised Code; 39407

(c) Students receiving services in the district pursuant 39408
to a compact, cooperative education agreement, or a contract, 39409

but who are entitled to attend school in a city, local, or 39410
exempted village school district whose territory is not part of 39411
the territory of the joint vocational district; 39412

(d) Students for whom tuition is payable pursuant to 39413
sections 3317.081 and 3323.141 of the Revised Code. 39414

(2) To enable the department ~~of education~~ to obtain the 39415
data needed to complete the calculation of payments pursuant to 39416
this chapter, each superintendent shall certify from the report 39417
provided under division (D)(1) of this section the enrollment 39418
for each of the following categories of students: 39419

(a) Students enrolled in each individual grade included in 39420
the joint vocational district schools, including any student 39421
described in division (D)(1)(b) of this section; 39422

(b) Children with disabilities receiving special education 39423
services for the category one disability described in division 39424
(A) of section 3317.013 of the Revised Code, including any 39425
student described in division (D)(1)(b) of this section; 39426

(c) Children with disabilities receiving special education 39427
services for the category two disabilities described in division 39428
(B) of section 3317.013 of the Revised Code, including any 39429
student described in division (D)(1)(b) of this section; 39430

(d) Children with disabilities receiving special education 39431
services for category three disabilities described in division 39432
(C) of section 3317.013 of the Revised Code, including any 39433
student described in division (D)(1)(b) of this section; 39434

(e) Children with disabilities receiving special education 39435
services for category four disabilities described in division 39436
(D) of section 3317.013 of the Revised Code, including any 39437
student described in division (D)(1)(b) of this section; 39438

(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39439 39440 39441 39442
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39443 39444 39445 39446
(h) Students receiving category one career-technical education services, described in division (A) (1) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39447 39448 39449 39450
(i) Students receiving category two career-technical education services, described in division (A) (2) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39451 39452 39453 39454
(j) Students receiving category three career-technical education services, described in division (A) (3) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39455 39456 39457 39458
(k) Students receiving category four career-technical education services, described in division (A) (4) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39459 39460 39461 39462
(l) Students receiving category five career-technical education services, described in division (A) (5) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39463 39464 39465 39466
(m) English learners described in division (A) of section	39467

3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39468 39469
(n) English learners described in division (B) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39470 39471 39472
(o) English learners described in division (C) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39473 39474 39475
(p) Students who are economically disadvantaged, as defined by the department, including any student described in division (D) (1) (b) of this section. A student shall not be categorically excluded from the number reported under division (D) (2) (p) of this section based on anything other than family income.	39476 39477 39478 39479 39480 39481
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	39482 39483 39484 39485 39486
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in session, the actual enrollment in regular day classes. For the purpose of determining the enrollment of students, the enrollment figure of any school shall not include any pupils except those pupils described by division (A) or (D) of this section. The record of enrollment for each school shall be maintained in such manner that no pupil shall be counted as	39487 39488 39489 39490 39491 39492 39493 39494 39495 39496

enrolled prior to the actual date of entry in the school and 39497
also in such manner that where for any cause a pupil permanently 39498
withdraws from the school that pupil shall not be counted as 39499
enrolled from and after the date of such withdrawal. There shall 39500
not be included in the enrollment of any school any of the 39501
following: 39502

(1) Any pupil who has graduated from the twelfth grade of 39503
a public or nonpublic high school; 39504

(2) Any pupil who is not a resident of the state; 39505

(3) Any pupil who was enrolled in the schools of the 39506
district during the previous school year when assessments were 39507
administered under section 3301.0711 of the Revised Code but did 39508
not take one or more of the assessments required by that section 39509
and was not excused pursuant to division (C) (1) or (3) of that 39510
section; 39511

(4) Any pupil who has attained the age of twenty-two 39512
years, except for veterans of the armed services whose 39513
attendance was interrupted before completing the recognized 39514
twelve-year course of the public schools by reason of induction 39515
or enlistment in the armed forces and who apply for reenrollment 39516
in the public school system of their residence not later than 39517
four years after termination of war or their honorable 39518
discharge; 39519

(5) Any pupil who has a certificate of high school 39520
equivalence as defined in section 5107.40 of the Revised Code. 39521

If, however, any veteran described by division (E) (4) of 39522
this section elects to enroll in special courses organized for 39523
veterans for whom tuition is paid under the provisions of 39524
federal laws, or otherwise, that veteran shall not be included 39525

in the enrollment of students determined under this section. 39526

Notwithstanding division (E) (3) of this section, the 39527
enrollment of any school may include a pupil who did not take an 39528
assessment required by section 3301.0711 of the Revised Code if 39529
the ~~superintendent of public instruction~~ department of education 39530
and workforce grants a waiver from the requirement to take the 39531
assessment to the specific pupil and a parent is not paying 39532
tuition for the pupil pursuant to section 3313.6410 of the 39533
Revised Code. The ~~superintendent~~ department may grant such a 39534
waiver only for good cause in accordance with rules adopted by 39535
the ~~state board of education~~ department. 39536

The enrolled ADM, formula ADM, total ADM, category one 39537
through five career-technical education ADM, category one 39538
through three English learner ADM, category one through six 39539
special education ADM, transportation ADM, and, for purposes of 39540
provisions of law outside of Chapter 3317. of the Revised Code, 39541
average daily membership of any school district shall be 39542
determined in accordance with rules adopted by the ~~state board~~ 39543
~~of education~~ department. 39544

(F) (1) If a student attending a community school under 39545
Chapter 3314., a science, technology, engineering, and 39546
mathematics school established under Chapter 3326., or a 39547
college-preparatory boarding school established under Chapter 39548
3328. of the Revised Code is not included in the formula ADM 39549
calculated for the school district in which the student is 39550
entitled to attend school under section 3313.64 or 3313.65 of 39551
the Revised Code, the ~~department of education~~ shall adjust the 39552
formula ADM of that school district to include the student in 39553
accordance with division (C) (2) of this section. 39554

(2) If a student awarded an educational choice scholarship 39555

is not included in the formula ADM of the school district in 39556
which the student resides, the department shall adjust the 39557
formula ADM of that school district to include the student. 39558

(3) If a student awarded a scholarship under the Jon 39559
Peterson special needs scholarship program is not included in 39560
the formula ADM of the school district in which the student 39561
resides, the department shall adjust the formula ADM of that 39562
school district to include the student. 39563

(G) (1) (a) The superintendent of an institution operating a 39564
special education program pursuant to section 3323.091 of the 39565
Revised Code shall, for the programs under such superintendent's 39566
supervision, certify to the ~~state board of education~~ department, 39567
in the manner prescribed by the ~~superintendent of public~~ 39568
~~instruction~~ director of education and workforce, both of the 39569
following: 39570

(i) The unduplicated count of the number of all children 39571
with disabilities other than preschool children with 39572
disabilities receiving services at the institution for each 39573
category of disability described in divisions (A) to (F) of 39574
section 3317.013 of the Revised Code adjusted for the portion of 39575
the year each child is so enrolled; 39576

(ii) The unduplicated count of the number of all preschool 39577
children with disabilities in classes or programs for whom the 39578
district is eligible to receive funding under section 3317.0213 39579
of the Revised Code adjusted for the portion of the year each 39580
child is so enrolled, reported according to the categories 39581
prescribed in section 3317.013 of the Revised Code. 39582

(b) The superintendent of an institution with career- 39583
technical education units approved under section 3317.05 of the 39584

Revised Code shall, for the units under the superintendent's 39585
supervision, certify to the ~~state board of education department~~ 39586
the enrollment in those units, in the manner prescribed by the 39587
~~superintendent of public instruction~~ director of education and 39588
workforce. 39589

(2) The superintendent of each county board of 39590
developmental disabilities that maintains special education 39591
classes under section 3317.20 of the Revised Code or provides 39592
services to preschool children with disabilities pursuant to an 39593
agreement between the county board and the appropriate school 39594
district shall do both of the following: 39595

(a) Certify to the ~~state board department~~, in the manner 39596
prescribed by the ~~board department~~, the enrollment in classes 39597
under section 3317.20 of the Revised Code for each school 39598
district that has placed children in the classes; 39599

(b) Certify to the ~~state board department~~, in the manner 39600
prescribed by the ~~board department~~, the unduplicated count of 39601
the number of all preschool children with disabilities enrolled 39602
in classes for which the board is eligible to receive funding 39603
under section 3317.0213 of the Revised Code adjusted for the 39604
portion of the year each child is so enrolled, reported 39605
according to the categories prescribed in section 3317.013 of 39606
the Revised Code, and the number of those classes. 39607

(H) Except as provided in division (I) of this section, 39608
when any city, local, or exempted village school district 39609
provides instruction for a nonresident pupil whose attendance is 39610
unauthorized attendance as defined in section 3327.06 of the 39611
Revised Code, that pupil's enrollment shall not be included in 39612
that district's enrollment figure used in calculating the 39613
district's payments under this chapter. The reporting official 39614

shall report separately the enrollment of all pupils whose 39615
attendance in the district is unauthorized attendance, and the 39616
enrollment of each such pupil shall be credited to the school 39617
district in which the pupil is entitled to attend school under 39618
division (B) of section 3313.64 or section 3313.65 of the 39619
Revised Code as determined by the department ~~of education~~. 39620

(I) This division shall not apply on or after ~~the~~ 39621
~~effective date of this amendment~~ September 30, 2021. 39622

(1) A city, local, exempted village, or joint vocational 39623
school district admitting a scholarship student of a pilot 39624
project district pursuant to division (C) of section 3313.976 of 39625
the Revised Code may count such student in its enrollment. 39626

(2) In any year for which funds are appropriated for pilot 39627
project scholarship programs, a school district implementing a 39628
state-sponsored pilot project scholarship program that year 39629
pursuant to sections 3313.974 to 3313.979 of the Revised Code 39630
may count in its enrollment: 39631

(a) All children residing in the district and utilizing a 39632
scholarship to attend kindergarten in any alternative school, as 39633
defined in section 3313.974 of the Revised Code; 39634

(b) All children who were enrolled in the district in the 39635
preceding year who are utilizing a scholarship to attend an 39636
alternative school. 39637

(J) The superintendent of each cooperative education 39638
school district shall certify to the ~~superintendent of public~~ 39639
~~instruction~~ director of education and workforce, in a manner 39640
prescribed by the ~~state board of education~~ department, the 39641
applicable enrollments for all students in the cooperative 39642
education district, also indicating the city, local, or exempted 39643

village district where each pupil is entitled to attend school 39644
under section 3313.64 or 3313.65 of the Revised Code. 39645

(K) If the ~~superintendent of public instruction~~ director 39646
of education and workforce determines that a component of the 39647
enrollment certified or reported by a district superintendent, 39648
or other reporting entity, is not correct, the ~~superintendent of~~ 39649
~~public instruction~~ director of education and workforce may order 39650
that the district's enrolled ADM, formula ADM, or both be 39651
adjusted in the amount of the error. 39652

Sec. 3317.031. A membership record shall be kept by grade 39653
level in each city, local, exempted village, joint vocational, 39654
and cooperative education school district and such a record 39655
shall be kept by grade level in each educational service center 39656
that provides academic instruction to pupils, classes for pupils 39657
with disabilities, or any other direct instructional services to 39658
pupils. Such membership record shall show the following 39659
information for each pupil enrolled: Name, date of birth, name 39660
of parent, date entered school, date withdrawn from school, days 39661
present, days absent, and the number of days school was open for 39662
instruction while the pupil was enrolled. At the end of the 39663
school year this membership record shall show the total days 39664
present, the total days absent, and the total days due for all 39665
pupils in each grade. Such membership record shall show the 39666
pupils that are transported to and from school and it shall also 39667
show the pupils that are transported living within one mile of 39668
the school attended. This membership record shall also show any 39669
other information prescribed by the ~~state board~~ department of 39670
education and workforce. 39671

This membership record shall be kept intact for at least 39672
five years and shall be made available to the ~~state board of~~ 39673

~~education or its representative department~~ in making an audit of 39674
the average daily membership or the transportation of the 39675
district or educational service center. 39676

The ~~state board of education department~~ may withhold any 39677
money due any school district or educational service center 39678
under this chapter until it has satisfactory evidence that the 39679
board of education or educational service center governing board 39680
has fully complied with all of the provisions of this section. 39681

Nothing in this section shall require any person to 39682
release, or to permit access to, public school records in 39683
violation of section 3319.321 of the Revised Code. 39684

Sec. 3317.032. Each city, local, exempted village, and 39685
cooperative education school district, each educational service 39686
center, each county board of developmental disabilities, and 39687
each institution operating a special education program pursuant 39688
to section 3323.091 of the Revised Code shall, in accordance 39689
with procedures adopted by the ~~state board department~~ of 39690
education and workforce, maintain a record of district 39691
membership of all preschool children with disabilities who are 39692
served by a special education program. 39693

Sec. 3317.033. In accordance with rules which the ~~state~~ 39694
~~board department~~ of education and workforce shall adopt, each 39695
joint vocational school district shall do both of the following: 39696

(A) Maintain a record of district enrollment of any 39697
persons who are not eligible to be included in the district's 39698
formula ADM as that term is defined in section 3317.02 of the 39699
Revised Code; 39700

(B) Annually certify to the ~~state board of education~~ 39701
department the number of persons for whom a record is maintained 39702

under division (A) of this section. These numbers shall be 39703
reported on a full-time equivalent basis. 39704

Sec. 3317.036. (A) The superintendent of each city, local, 39705
and exempted village school district shall report to the ~~state-~~ 39706
~~board-department~~ of education and workforce as of the last day 39707
of October, March, and June of each year the enrollment under 39708
section 3317.23 of the Revised Code, on a full-time equivalency 39709
basis, of individuals who are at least twenty-two years of age. 39710
This report shall be in addition to the district's report of the 39711
enrollment of students entitled to attend school in the district 39712
under section 3313.64 or 3313.65 of the Revised Code that is 39713
required under section 3317.03 of the Revised Code. 39714

(B) The superintendent of each joint vocational school 39715
district shall report and certify to the ~~superintendent of-~~ 39716
~~public instruction department~~ as of the last day of October, 39717
March, and June of each year the enrollment of individuals 39718
receiving services from the district on a full-time equivalency 39719
basis under section 3317.24 of the Revised Code. This report 39720
shall be in addition to the district's report of the enrollment 39721
of students that is required under section 3317.03 of the 39722
Revised Code. 39723

Sec. 3317.037. (A) As used in this section: 39724

(1) "Contracting district" means a school district that 39725
has entered into a contract to provide career-technical 39726
education services that meet standards set by the ~~state board-~~ 39727
~~department~~ of education and workforce to one or more other 39728
school districts. 39729

(2) "Career-technical planning district" has the same 39730
meaning as in section 3317.023 of the Revised Code. 39731

(3) "Home district" means any city, local, or exempted village school district that is also not a lead district or a contracting district. 39732
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(4) "Lead district" means a lead district, as defined in section 3317.023 of the Revised Code, which is designated by the department ~~of education~~ to provide primary career-technical education leadership within a career-technical planning district. 39735
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(B) For the purposes of maintaining student enrollment records under section 3317.03 of the Revised Code, the superintendent of each home district shall provide to the lead district or contracting district the attendance records for each student who receives career-technical education services provided by the lead district or contracting district in facilities operated by the student's home district. 39740
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(C) Any lead district of a career-technical planning district may enter into an agreement with another school district within that career-technical planning district under which the lead district and the other school district may establish a method to determine the full-time equivalency for each student attending school in both districts for the purposes of calculating each district's enrollment under section 3317.03 of the Revised Code. 39747
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Sec. 3317.05. (A) The department of education and workforce shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of career-technical education units or fractions of units approved by the department on the basis of standards and rules adopted by the ~~state board of education~~ department. As used in this section, 39755
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"institution" means an institution operated by a department 39762
specified in section 3323.091 of the Revised Code and that 39763
provides career-technical education programs under the 39764
supervision of the division of career-technical education of the 39765
department that meet the standards and rules for these programs, 39766
including licensure of professional staff involved in the 39767
programs, as established by the ~~state board~~ department. 39768

(B) All of the arithmetical calculations made under this 39769
section shall be carried to the second decimal place. The total 39770
number of units for institutions approved annually under this 39771
section shall not exceed the number of units included in the 39772
estimate of cost for these units and appropriations made for 39773
them by the general assembly. 39774

(C) The department shall pay each institution approved for 39775
career-technical education units under division (A) of this 39776
section an amount for the total of all the units approved under 39777
that division. The amount for each unit shall be the sum of the 39778
minimum salary for the teacher of the unit, calculated on the 39779
basis of the teacher's training level and years of experience 39780
pursuant to the salary schedule prescribed in the version of 39781
section 3317.13 of the Revised Code in effect prior to July 1, 39782
2001, plus fifteen per cent of that minimum salary amount, and 39783
nine thousand five hundred ten dollars. Each institution that 39784
receives unit funds under this division annually shall report to 39785
the department on the delivery of services and the performance 39786
of students and any other information required by the department 39787
to evaluate the institution's career-technical education 39788
program. 39789

(D) For each unit allocated to an institution pursuant to 39790
division (A) of this section, the department, in addition to the 39791

amount specified in division (B) of this section, shall pay a supplemental unit allowance of \$7,227.

Sec. 3317.051. (A) The department of education and workforce shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section.

(B) The department shall allocate gifted units for a school district as follows:

(1) For fiscal years 2022 and 2023:

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district.

(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B) (22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year 2024 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school

district for gifted units as follows: 39820

(1) For fiscal years 2022 and 2023, an amount equal to the 39821
following sum: 39822

(\$85,776 X the number of units allocated to a school district 39823
under division (B) (1) (a) of this section X the district's state 39824
share percentage) + (\$89,378 X the number of units allocated to 39825
a school district under division (B) (1) (b) of this section X the 39826
district's state share percentage) + (\$80,974 X the number of 39827
units allocated to a school district under division (B) (1) (c) of 39828
this section X the district's state share percentage) 39829

(2) For fiscal year 2024 and each fiscal year thereafter, 39830
an amount calculated in a manner determined by the general 39831
assembly. 39832

(D) A school district may assign gifted unit funding that 39833
it receives under division (C) of this section to another school 39834
district, an educational service center, a community school, or 39835
a STEM school as part of an arrangement to provide services to 39836
the district. 39837

Sec. 3317.06. Moneys paid to school districts under 39838
division (E) (1) of section 3317.024 of the Revised Code shall be 39839
used for the following independent and fully severable purposes: 39840

(A) To purchase such secular textbooks or digital texts as 39841
have been approved by the ~~superintendent of public instruction~~ 39842
department of education and workforce for use in public schools 39843
in the state and to loan such textbooks or digital texts to 39844
pupils attending nonpublic schools within the district described 39845
in division (E) (1) of section 3317.024 of the Revised Code or to 39846
their parents and to hire clerical personnel to administer such 39847
lending program. Such loans shall be based upon individual 39848

requests submitted by such nonpublic school pupils or parents. 39849
Such requests shall be submitted to the school district in which 39850
the nonpublic school is located. Such individual requests for 39851
the loan of textbooks or digital texts shall, for administrative 39852
convenience, be submitted by the nonpublic school pupil or the 39853
pupil's parent to the nonpublic school, which shall prepare and 39854
submit collective summaries of the individual requests to the 39855
school district. As used in this section: 39856

(1) "Textbook" means any book or book substitute that a 39857
pupil uses as a consumable or nonconsumable text, text 39858
substitute, or text supplement in a particular class or program 39859
in the school the pupil regularly attends. 39860

(2) "Digital text" means a consumable book or book 39861
substitute that a student accesses through the use of a computer 39862
or other electronic medium or that is available through an 39863
internet-based provider of course content, or any other material 39864
that contributes to the learning process through electronic 39865
means. 39866

(B) To provide speech and hearing diagnostic services to 39867
pupils attending nonpublic schools within the district described 39868
in division (E) (1) of section 3317.024 of the Revised Code. Such 39869
service shall be provided in the nonpublic school attended by 39870
the pupil receiving the service. 39871

(C) To provide physician, nursing, dental, and optometric 39872
services to pupils attending nonpublic schools within the 39873
district described in division (E) (1) of section 3317.024 of the 39874
Revised Code. Such services shall be provided in the school 39875
attended by the nonpublic school pupil receiving the service. 39876

(D) To provide diagnostic psychological services to pupils 39877

attending nonpublic schools within the district described in 39878
division (E) (1) of section 3317.024 of the Revised Code. Such 39879
services shall be provided in the school attended by the pupil 39880
receiving the service. 39881

(E) To provide therapeutic psychological and speech and 39882
hearing services to pupils attending nonpublic schools within 39883
the district described in division (E) (1) of section 3317.024 of 39884
the Revised Code. Such services shall be provided in the public 39885
school, in nonpublic schools, in public centers, or in mobile 39886
units located on or off of the nonpublic premises. If such 39887
services are provided in the public school or in public centers, 39888
transportation to and from such facilities shall be provided by 39889
the school district in which the nonpublic school is located. 39890

(F) To provide guidance, counseling, and social work 39891
services to pupils attending nonpublic schools within the 39892
district described in division (E) (1) of section 3317.024 of the 39893
Revised Code. Such services shall be provided in the public 39894
school, in nonpublic schools, in public centers, or in mobile 39895
units located on or off of the nonpublic premises. If such 39896
services are provided in the public school or in public centers, 39897
transportation to and from such facilities shall be provided by 39898
the school district in which the nonpublic school is located. 39899

(G) To provide remedial services to pupils attending 39900
nonpublic schools within the district described in division (E) 39901
(1) of section 3317.024 of the Revised Code. Such services shall 39902
be provided in the public school, in nonpublic schools, in 39903
public centers, or in mobile units located on or off of the 39904
nonpublic premises. If such services are provided in the public 39905
school or in public centers, transportation to and from such 39906
facilities shall be provided by the school district in which the 39907

nonpublic school is located. 39908

(H) To supply for use by pupils attending nonpublic 39909
schools within the district described in division (E) (1) of 39910
section 3317.024 of the Revised Code such standardized tests and 39911
scoring services as are in use in the public schools of the 39912
state; 39913

(I) To provide programs for children who attend nonpublic 39914
schools within the district described in division (E) (1) of 39915
section 3317.024 of the Revised Code and are children with 39916
disabilities as defined in section 3323.01 of the Revised Code 39917
or gifted children. Such programs shall be provided in the 39918
public school, in nonpublic schools, in public centers, or in 39919
mobile units located on or off of the nonpublic premises. If 39920
such programs are provided in the public school or in public 39921
centers, transportation to and from such facilities shall be 39922
provided by the school district in which the nonpublic school is 39923
located. 39924

(J) To hire clerical personnel to assist in the 39925
administration of programs pursuant to divisions (B), (C), (D), 39926
(E), (F), (G), and (I) of this section and to hire supervisory 39927
personnel to supervise the providing of services and textbooks 39928
pursuant to this section. 39929

(K) To purchase or lease any secular, neutral, and 39930
nonideological computer application software designed to assist 39931
students in performing a single task or multiple related tasks, 39932
device management software, learning management software, site- 39933
licensing, digital video on demand (DVD), wide area connectivity 39934
and related technology as it relates to internet access, 39935
mathematics or science equipment and materials, instructional 39936
materials, and school library materials that are in general use 39937

in the public schools of the state and loan such items to pupils 39938
attending nonpublic schools within the district described in 39939
division (E) (1) of section 3317.024 of the Revised Code or to 39940
their parents, and to hire clerical personnel to administer the 39941
lending program. Only such items that are incapable of diversion 39942
to religious use and that are susceptible of loan to individual 39943
pupils and are furnished for the use of individual pupils shall 39944
be purchased and loaned under this division. As used in this 39945
section, "instructional materials" means prepared learning 39946
materials that are secular, neutral, and nonideological in 39947
character and are of benefit to the instruction of school 39948
children. "Instructional materials" includes media content that 39949
a student may access through the use of a computer or electronic 39950
device. 39951

Mobile applications that are secular, neutral, and 39952
nonideological in character and that are purchased for less than 39953
twenty dollars for instructional use shall be considered to be 39954
consumable and shall be distributed to students without the 39955
expectation that the applications must be returned. 39956

(L) To purchase or lease instructional equipment, 39957
including computer hardware and related equipment in general use 39958
in the public schools of the state, for use by pupils attending 39959
nonpublic schools within the district described in division (E) 39960
(1) of section 3317.024 of the Revised Code and to loan such 39961
items to pupils attending such nonpublic schools within the 39962
district or to their parents, and to hire clerical personnel to 39963
administer the lending program. "Computer hardware and related 39964
equipment" includes desktop computers and workstations; laptop 39965
computers, computer tablets, and other mobile handheld devices; 39966
their operating systems and accessories; and any equipment 39967
designed to make accessible the environment of a classroom to a 39968

student, who is physically unable to attend classroom activities 39969
due to hospitalization or other circumstances, by allowing real- 39970
time interaction with other students both one-on-one and in 39971
group discussion. 39972

(M) To purchase mobile units to be used for the provision 39973
of services pursuant to divisions (E), (F), (G), and (I) of this 39974
section and to pay for necessary repairs and operating costs 39975
associated with these units. 39976

(N) To reimburse costs the district incurred to store the 39977
records of a chartered nonpublic school that closes. 39978
Reimbursements under this division shall be made one time only 39979
for each chartered nonpublic school described in division (E) (1) 39980
of section 3317.024 of the Revised Code that closes. 39981

(O) To purchase life-saving medical or other emergency 39982
equipment for placement in nonpublic schools within the district 39983
described in division (E) (1) of section 3317.024 of the Revised 39984
Code or to maintain such equipment. 39985

(P) To procure and pay for security services from a county 39986
sheriff or a township or municipal police force or from a person 39987
certified through the Ohio peace officer training commission, in 39988
accordance with section 109.78 of the Revised Code, as a special 39989
police, security guard, or as a privately employed person 39990
serving in a police capacity for nonpublic schools in the 39991
district described in division (E) (1) of section 3317.024 of the 39992
Revised Code. 39993

(Q) To provide language and academic support services and 39994
other accommodations for English learners attending nonpublic 39995
schools within the district described in division (E) (1) of 39996
section 3317.024 of the Revised Code. 39997

Clerical and supervisory personnel hired pursuant to 39998
division (J) of this section shall perform their services in the 39999
public schools, in nonpublic schools, public centers, or mobile 40000
units where the services are provided to the nonpublic school 40001
pupil, except that such personnel may accompany pupils to and 40002
from the service sites when necessary to ensure the safety of 40003
the children receiving the services. 40004

All services provided pursuant to this section may be 40005
provided under contract with educational service centers, the 40006
department of health, city or general health districts, or 40007
private agencies whose personnel are properly licensed by an 40008
appropriate state board or agency. 40009

Transportation of pupils provided pursuant to divisions 40010
(E), (F), (G), and (I) of this section shall be provided by the 40011
school district from its general funds and not from moneys paid 40012
to it under division (E) (1) of section 3317.024 of the Revised 40013
Code unless a special transportation request is submitted by the 40014
parent of the child receiving service pursuant to such 40015
divisions. If such an application is presented to the school 40016
district, it may pay for the transportation from moneys paid to 40017
it under division (E) (1) of section 3317.024 of the Revised 40018
Code. 40019

No school district shall provide health or remedial 40020
services to nonpublic school pupils as authorized by this 40021
section unless such services are available to pupils attending 40022
the public schools within the district. 40023

Materials, equipment, computer hardware or software, 40024
textbooks, digital texts, and health and remedial services 40025
provided for the benefit of nonpublic school pupils pursuant to 40026
this section and the admission of pupils to such nonpublic 40027

schools shall be provided without distinction as to race, creed, 40028
color, or national origin of such pupils or of their teachers. 40029

No school district shall provide services, materials, or 40030
equipment that contain religious content for use in religious 40031
courses, devotional exercises, religious training, or any other 40032
religious activity. 40033

As used in this section, "parent" includes a person 40034
standing in loco parentis to a child. 40035

Notwithstanding section 3317.01 of the Revised Code, 40036
payments shall be made under this section to any city, local, or 40037
exempted village school district within which is located one or 40038
more nonpublic elementary or high schools described in division 40039
(E) (1) of section 3317.024 of the Revised Code and any payments 40040
made to school districts under division (E) (1) of section 40041
3317.024 of the Revised Code for purposes of this section may be 40042
disbursed without submission to and approval of the controlling 40043
board. 40044

The allocation of payments for materials, equipment, 40045
textbooks, digital texts, health services, and remedial services 40046
to city, local, and exempted village school districts shall be 40047
on the basis of the ~~state board of education's~~ department's 40048
estimated annual average daily membership in nonpublic 40049
elementary and high schools located in the district described in 40050
division (E) (1) of section 3317.024 of the Revised Code. 40051

Payments made to city, local, and exempted village school 40052
districts under this section shall be equal to specific 40053
appropriations made for the purpose. All interest earned by a 40054
school district on such payments shall be used by the district 40055
for the same purposes and in the same manner as the payments may 40056

be used. 40057

The department ~~of education~~ shall adopt guidelines and 40058
procedures under which such programs and services shall be 40059
provided, under which districts shall be reimbursed for 40060
administrative costs incurred in providing such programs and 40061
services, and under which any unexpended balance of the amounts 40062
appropriated by the general assembly to implement this section 40063
may be transferred to the auxiliary services personnel 40064
unemployment compensation fund established pursuant to section 40065
4141.47 of the Revised Code. The department shall also adopt 40066
guidelines and procedures limiting the purchase and loan of the 40067
items described in division (K) of this section to items that 40068
are in general use in the public schools of the state, that are 40069
incapable of diversion to religious use, and that are 40070
susceptible to individual use rather than classroom use. Within 40071
thirty days after the end of each biennium, each board of 40072
education shall remit to the department all moneys paid to it 40073
under division (E) (1) of section 3317.024 of the Revised Code 40074
and any interest earned on those moneys that are not required to 40075
pay expenses incurred under this section during the biennium for 40076
which the money was appropriated and during which the interest 40077
was earned. If a board of education subsequently determines that 40078
the remittal of moneys leaves the board with insufficient money 40079
to pay all valid expenses incurred under this section during the 40080
biennium for which the remitted money was appropriated, the 40081
board may apply to the department ~~of education~~ for a refund of 40082
money, not to exceed the amount of the insufficiency. If the 40083
department determines the expenses were lawfully incurred and 40084
would have been lawful expenditures of the refunded money, it 40085
shall certify its determination and the amount of the refund to 40086
be made to the director of job and family services who shall 40087

make a refund as provided in section 4141.47 of the Revised Code. 40088
40089

Each school district shall label materials, equipment, 40090
computer hardware or software, textbooks, and digital texts 40091
purchased or leased for loan to a nonpublic school under this 40092
section, acknowledging that they were purchased or leased with 40093
state funds under this section. However, a district need not 40094
label materials, equipment, computer hardware or software, 40095
textbooks, or digital texts that the district determines are 40096
consumable in nature or have a value of less than two hundred 40097
dollars. 40098

Sec. 3317.061. The superintendent of each school district, 40099
including each cooperative education and joint vocational school 40100
district and the superintendent of each educational service 40101
center, shall, on forms prescribed and furnished by the ~~state~~ 40102
~~board department~~ of education and workforce, certify to the 40103
~~department and the~~ state board of education, on or before the 40104
fifteenth day of October of each year, the name of each licensed 40105
employee employed, on an annual salary, in each school under 40106
such superintendent's supervision during the first full school 40107
week of said month of October, the number of years of recognized 40108
college training such licensed employee has completed, the 40109
college degrees from a recognized college earned by such 40110
licensed employee, the type of teaching license held by such 40111
licensed employee, the number of months such licensed employee 40112
is employed in the school district, the annual salary of such 40113
licensed employee, and such other information as the ~~state board~~ 40114
~~of education department~~, in consultation with the state board, 40115
may request. For the purposes of Chapter 3317. of the Revised 40116
Code, a licensed employee is any employee in a position that 40117
requires a license issued pursuant to sections 3319.22 to 40118

3319.31 of the Revised Code. 40119

Pursuant to standards adopted by the ~~state board of~~ 40120
~~education department~~, experience of vocational teachers in trade 40121
and industry shall be recognized by ~~such board the department~~ 40122
for the purpose of complying with the requirements of recognized 40123
college training provided by Chapter 3317. of the Revised Code. 40124

Sec. 3317.062. (A) Moneys paid to chartered nonpublic 40125
schools under division (E) (2) of section 3317.024 of the Revised 40126
Code shall be used for one or more of the following purposes: 40127

(1) To purchase secular textbooks or digital texts, as 40128
defined in divisions (A) (1) and (2) of section 3317.06 of the 40129
Revised Code, as have been approved by the ~~superintendent of~~ 40130
~~public instruction department of education and workforce~~ for use 40131
in public schools in the state. Textbooks purchased in 40132
accordance with this division may be disposed of four years 40133
after the date of purchase; 40134

(2) To provide the services described in divisions (B), 40135
(C), (D), and (Q) of section 3317.06 of the Revised Code; 40136

(3) To provide the services described in divisions (E), 40137
(F), (G), and (I) of section 3317.06 of the Revised Code. If 40138
such services are provided in public schools or in public 40139
centers, transportation to and from such facilities shall be 40140
provided by the nonpublic school. 40141

(4) To supply for use by pupils attending the school such 40142
standardized tests and scoring services as are in use in the 40143
public schools of the state; 40144

(5) To hire clerical personnel to assist in the 40145
administration of divisions (A) (2), (3), and (4) of this section 40146
and to hire supervisory personnel to supervise the providing of 40147

services and textbooks pursuant to this section. These personnel 40148
shall perform their services in the public schools, in nonpublic 40149
schools, public centers, or mobile units where the services are 40150
provided to the nonpublic school pupil, except that such 40151
personnel may accompany pupils to and from the service sites 40152
when necessary to ensure the safety of the children receiving 40153
the services. All services provided pursuant to this section may 40154
be provided under contract with school districts, educational 40155
service centers, the department of health, city or general 40156
health districts, or private agencies whose personnel are 40157
properly licensed by an appropriate state board or agency. 40158

(6) To purchase any of the materials described in division 40159
(K) of section 3317.06 of the Revised Code; 40160

(7) To purchase any of the equipment described in division 40161
(L) of section 3317.06 of the Revised Code; 40162

(8) To purchase mobile units to be used for the provision 40163
of services pursuant to division (A)(3) of this section and to 40164
pay for necessary repairs and operating costs associated with 40165
these units; 40166

(9) To purchase the equipment described in division (O) of 40167
section 3317.06 of the Revised Code; 40168

(10) To procure and pay for security services described in 40169
division (P) of section 3317.06 of the Revised Code. 40170

(B) Materials, equipment, computer hardware and software, 40171
textbooks, digital texts, and health and remedial services 40172
provided pursuant to this section and the admission of pupils to 40173
nonpublic schools shall be provided without distinction as to 40174
race, creed, color, or national origin of such pupils or of 40175
their teachers. 40176

(C) Any interest earned by a chartered nonpublic school on 40177
moneys paid to it under division (E) (2) of section 3317.024 of 40178
the Revised Code shall be used by the school for the same 40179
purposes and in the same manner as the payments may be used 40180
under this section. 40181

(D) The department ~~of education~~ shall adopt guidelines and 40182
procedures regarding both of the following: 40183

(1) The expenditure of moneys under this section; 40184

(2) The audit of nonpublic schools receiving funds under 40185
this section to ensure the appropriate use of funds. 40186

(E) The department shall adopt a rule specifying the party 40187
that owns any property purchased by a chartered nonpublic school 40188
with moneys paid under division (E) (2) of section 3317.024 of 40189
the Revised Code. The rule shall include procedures for disposal 40190
of the property by the designated owner when appropriate. 40191

(F) Within thirty days after the end of each biennium, 40192
each chartered nonpublic school shall remit to the department 40193
all moneys paid to it under division (E) (2) of section 3317.024 40194
of the Revised Code and any interest earned on those moneys that 40195
are not required to pay expenses incurred under this section 40196
during the biennium for which the moneys were appropriated and 40197
during which the interest was earned. If a school subsequently 40198
determines that the remittal of moneys leaves the school with 40199
insufficient money to pay all valid expenses incurred under this 40200
section during the biennium for which the remitted moneys were 40201
appropriated, the school may apply to the department for a 40202
refund of money, not to exceed the amount of the insufficiency. 40203
If the department determines the expenses were lawfully incurred 40204
and would have been lawful expenditures of the refunded money, 40205

the department shall make a refund in the necessary amount. 40206

(G) All services provided and purchases made pursuant to 40207
this section may be acquired under contract with school 40208
districts, educational service centers, the department of 40209
health, city or general health districts, or private entities. 40210

(H) When a chartered nonpublic school has materials or 40211
equipment purchased in accordance with division (A) (6) or (7) of 40212
this section that are no longer needed for school use, are 40213
obsolete, are unfit for the use for which they were acquired, or 40214
have been in the school's possession for at least four years, 40215
the school may dispose of that property in accordance with the 40216
school's disposal procedures, which may include donation, sale, 40217
trade, or permanent disposal. The school shall remit to the 40218
state treasury the proceeds from any sale made in accordance 40219
with this division. 40220

Sec. 3317.063. The ~~superintendent of public instruction,~~ 40221
~~in accordance with rules adopted by the department of education,~~ 40222
and workforce shall annually reimburse each chartered nonpublic 40223
school for the actual mandated service administrative and 40224
clerical costs incurred by such school during the preceding 40225
school year in preparing, maintaining, and filing reports, 40226
forms, and records, and in providing such other administrative 40227
and clerical services that are not an integral part of the 40228
teaching process as may be required by state law or rule or by 40229
requirements duly promulgated by city, exempted village, or 40230
local school districts. The mandated service costs reimbursed 40231
pursuant to this section shall include, but are not limited to, 40232
the preparation, filing and maintenance of forms, reports, or 40233
records and other clerical and administrative services relating 40234
to state chartering or approval of the nonpublic school, pupil 40235

attendance, pupil health and health testing, transportation of 40236
pupils, federally funded education programs, pupil appraisal, 40237
pupil progress, educator licensure, unemployment and workers' 40238
compensation, transfer of pupils, and such other education 40239
related data which are now or hereafter shall be required of 40240
such nonpublic school by state law or rule, or by requirements 40241
of the ~~state department of education~~, other state agencies, or 40242
city, exempted village, or local school districts. 40243

The reimbursement required by this section shall be for 40244
school years beginning on or after July 1, 1981. 40245

Each nonpublic school which seeks reimbursement pursuant 40246
to this section shall submit to the ~~superintendent of public~~ 40247
~~instruction department~~ an application together with such 40248
additional reports and documents as the ~~department of education~~ 40249
may require. Such application, reports, and documents shall 40250
contain such information as the ~~department of education~~ may 40251
prescribe in order to carry out the purposes of this section. No 40252
payment shall be made until the ~~superintendent of public~~ 40253
~~instruction department~~ has approved such application. 40254

Each nonpublic school which applies for reimbursement 40255
pursuant to this section shall maintain a separate account or 40256
system of accounts for the expenses incurred in rendering the 40257
required services for which reimbursement is sought. Such 40258
accounts shall contain such information as is required by the 40259
~~department of education~~ and shall be maintained in accordance 40260
with rules adopted by the ~~department of education~~. 40261

Reimbursement payments to a nonpublic school for a school 40262
year pursuant to this section shall not exceed the per-pupil 40263
amount specified by the general assembly for that school year. 40264

The ~~superintendent of public instruction department~~ may, 40265
from time to time, examine any and all accounts and records of a 40266
nonpublic school which have been maintained pursuant to this 40267
section in support of an application for reimbursement, for the 40268
purpose of determining the costs to such school of rendering the 40269
services for which reimbursement is sought. If after such audit 40270
it is determined that any school has received funds in excess of 40271
the actual cost of providing such services, said school shall 40272
immediately reimburse the state in such excess amount. 40273

Any payments made to chartered nonpublic schools under 40274
this section may be disbursed without submission to and approval 40275
of the controlling board. 40276

Sec. 3317.064. (A) There is hereby established in the 40277
state treasury the auxiliary services reimbursement fund. By the 40278
thirtieth day of January of each odd-numbered year, the director 40279
of job and family services and the ~~superintendent of public~~
~~instruction department of education and workforce~~ shall 40280
determine the amount of any excess moneys in the auxiliary 40281
services personnel unemployment compensation fund not reasonably 40282
necessary for the purposes of section 4141.47 of the Revised 40283
Code, and shall certify such amount to the director of budget 40284
and management for transfer to the auxiliary services 40285
reimbursement fund. If the director of job and family services 40286
and the ~~superintendent department~~ disagree on such amount, the 40287
director of budget and management shall determine the amount to 40288
be transferred. 40289
40290

(B) Except as provided in divisions (C) and (D) of this 40291
section, moneys in the auxiliary services reimbursement fund 40292
shall be used for the relocation or for the replacement and 40293
repair of mobile units used to provide the services specified in 40294

division (E), (F), (G), or (I) of section 3317.06 and in 40295
division (A) (3) of section 3317.062 of the Revised Code. The 40296
~~state board of education department~~ shall adopt guidelines and 40297
procedures for replacement, repair, and relocation of mobile 40298
units and the procedures under which a school district or 40299
chartered nonpublic school may apply to receive moneys with 40300
which to repair or replace or relocate such units. 40301

(C) School districts and educational service centers may 40302
apply to the department for moneys from the auxiliary services 40303
reimbursement fund for payment of incentives for early 40304
retirement and severance for school district personnel assigned 40305
to provide services authorized by section 3317.06 or 3317.062 of 40306
the Revised Code at chartered nonpublic schools. The portion of 40307
the cost of any early retirement or severance incentive for any 40308
employee that is paid using money from the auxiliary services 40309
reimbursement fund shall not exceed the percentage of such 40310
employee's total service credit that the employee spent 40311
providing services to chartered nonpublic school students under 40312
section 3317.06 of the Revised Code. 40313

(D) The department ~~of education~~ may use a portion of the 40314
moneys in the auxiliary services reimbursement fund to make 40315
payments for chartered nonpublic school students under section 40316
3365.07 of the Revised Code, in accordance with rules adopted 40317
pursuant to section 3365.071 of the Revised Code. 40318

Sec. 3317.07. If the department of education and workforce 40319
determines that a county board of developmental disabilities no 40320
longer needs a school bus because the board no longer transports 40321
children to a special education program operated by the board, 40322
or if the department determines that a school district no longer 40323
needs a school bus to transport pupils to a nonpublic school or 40324

special education program, the department may reassign a bus 40325
that was funded with payments provided pursuant to the version 40326
of this section in effect prior to the effective date of this 40327
amendment for the purpose of transporting such pupils. The 40328
department may reassign a bus to a county board of developmental 40329
disabilities or school district that transports children to a 40330
special education program designated in the children's 40331
individualized education programs, or to a school district that 40332
transports pupils to a nonpublic school, and needs an additional 40333
school bus. 40334

Sec. 3317.071. For fiscal years 2022 and 2023, the 40335
department of education and workforce shall implement a program 40336
to distribute bus purchasing grants of not less than \$45,000 to 40337
city, local, and exempted village school districts for the 40338
purpose of replacing the oldest and highest mileage buses in the 40339
state assigned to routes. The department shall annually collect 40340
age, mileage, and vehicle condition data from districts through 40341
its transportation data collection system. 40342

Sec. 3317.072. (A) The transportation collaboration fund 40343
is hereby created in the state treasury for fiscal years 2022 40344
and 2023. The fund shall consist of money appropriated for this 40345
purpose by the general assembly. The department of education and 40346
workforce shall use money in the fund for grants awarded under 40347
this section. 40348

(B) (1) For fiscal years 2022 and 2023, the department 40349
shall award transportation collaboration grants each fiscal year 40350
to city, local, and exempted village school districts for 40351
efforts that lead to shared resource management, routing 40352
consolidation, regional collaboration, or other activities that 40353
have the potential to reduce transportation operating costs. 40354

(2) The department shall determine the amount of each grant awarded, but no grant shall exceed \$10,000 for any fiscal year. 40355
40356
40357

(3) The department shall adopt rules regarding all of the following: 40358
40359

(a) The process for city, local, and exempted village school districts to submit applications for grants awarded under this section, including the deadline for those applications to be submitted; 40360
40361
40362
40363

(b) The application form for grants awarded under this section; 40364
40365

(c) The requirements and process for grant recipients to be eligible to renew their grants in future fiscal years; 40366
40367

(d) Any other rules necessary to implement the provisions of this section. 40368
40369

Sec. 3317.08. A board of education may admit to its schools a child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child. 40370
40371
40372

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following: 40373
40374
40375

(A) For any child, except a preschool child with a disability described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A) (1) and (2) of this section by the district's formula ADM. 40376
40377
40378
40379
40380

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in 40381
40382

which the school year begins as certified under division (A) (3) 40383
of section 3317.021 of the Revised Code. 40384

(2) The district's total taxes collected for current 40385
expenses under a school district income tax adopted pursuant to 40386
section 5748.03, 5748.08, or 5748.09 of the Revised Code that 40387
are disbursed to the district during the fiscal year, excluding 40388
any income tax receipts allocated for the project cost, debt 40389
service, or maintenance set-aside associated with a state- 40390
assisted classroom facilities project as authorized by section 40391
3318.052 of the Revised Code. On or before the first day of June 40392
of each year, the tax commissioner shall certify the amount to 40393
be used in the calculation under this division for the next 40394
fiscal year to the department of education and workforce and the 40395
office of budget and management for each city, local, and 40396
exempted village school district that levies a school district 40397
income tax. 40398

(B) For any preschool child with a disability, an amount 40399
computed for the school year as follows: 40400

(1) For each type of special education service provided to 40401
the child for whom tuition is being calculated, determine the 40402
amount of the district's operating expenses in providing that 40403
type of service to all preschool children with disabilities; 40404

(2) For each type of special education service for which 40405
operating expenses are determined under division (B) (1) of this 40406
section, determine the amount of such operating expenses that 40407
was paid from any state funds received under this chapter; 40408

(3) For each type of special education service for which 40409
operating expenses are determined under division (B) (1) of this 40410
section, divide the difference between the amount determined 40411

under division (B) (1) of this section and the amount determined 40412
under division (B) (2) of this section by the total number of 40413
preschool children with disabilities who received that type of 40414
service; 40415

(4) Determine the sum of the quotients obtained under 40416
division (B) (3) of this section for all types of special 40417
education services provided to the child for whom tuition is 40418
being calculated. 40419

The ~~state board of education department~~ shall adopt rules 40420
defining the types of special education services and specifying 40421
the operating expenses to be used in the computation under this 40422
section. 40423

If any child for whom a tuition charge is computed under 40424
this section for any school year is enrolled in a district for 40425
only part of that school year, the amount of the district's 40426
tuition charge for the child for the school year shall be 40427
computed in proportion to the number of school days the child is 40428
enrolled in the district during the school year. 40429

Except as otherwise provided in division (J) of section 40430
3313.64 of the Revised Code, whenever a district admits a child 40431
to its schools for whom tuition computed in accordance with this 40432
section is an obligation of another school district, the amount 40433
of the tuition shall be certified by the treasurer of the board 40434
of education of the district of attendance, to the board of 40435
education of the district required to pay tuition for its 40436
approval and payment. If agreement as to the amount payable or 40437
the district required to pay the tuition cannot be reached, or 40438
the board of education of the district required to pay the 40439
tuition refuses to pay that amount, the board of education of 40440
the district of attendance shall notify the ~~superintendent of~~ 40441

~~public instruction department~~. The ~~superintendent department~~ 40442
shall determine the correct amount and the district required to 40443
pay the tuition and shall deduct that amount, if any, under 40444
division (D) of section 3317.023 of the Revised Code, from the 40445
district required to pay the tuition and add that amount to the 40446
amount allocated to the district attended under such division. 40447
The ~~superintendent of public instruction department~~ shall send 40448
to the district required to pay the tuition an itemized 40449
statement showing such deductions at the time of such deduction. 40450

When a political subdivision owns and operates an airport, 40451
welfare, or correctional institution or other project or 40452
facility outside its corporate limits, the territory within 40453
which the facility is located is exempt from taxation by the 40454
school district within which such territory is located, and 40455
there are school age children residing within such territory, 40456
the political subdivision owning such tax exempt territory shall 40457
pay tuition to the district in which such children attend 40458
school. The tuition for these children shall be computed as 40459
provided for in this section. 40460

Sec. 3317.081. (A) Tuition shall be computed in accordance 40461
with this section if: 40462

(1) The tuition is required by division (C) (3) (b) of 40463
section 3313.64 of the Revised Code; or 40464

(2) Neither the child nor the child's parent resides in 40465
this state and tuition is required by section 3327.06 of the 40466
Revised Code. 40467

(B) Tuition computed in accordance with this section shall 40468
equal the attendance district's tuition rate computed under 40469
section 3317.08 of the Revised Code plus the amount in state 40470

education aid, as defined in section 3317.02 of the Revised Code, that district would have received for the child during the school year had the department of education and workforce counted the child in the attendance district's formula ADM for that school year under section 3317.03 of the Revised Code.

Sec. 3317.082. As used in this section, "institution" means a residential facility that receives and cares for children maintained by the department of youth services and that operates a school chartered ~~by the state board of education~~ under section 3301.16 of the Revised Code.

(A) On or before the thirty-first day of each January and July, the superintendent of each institution that during the six-month period immediately preceding each January or July provided an elementary or secondary education for any child, other than a child receiving special education under section 3323.091 of the Revised Code, shall prepare and submit to the department of education and workforce, a statement for each such child indicating the child's name, any school district responsible to pay tuition for the child as determined by the superintendent in accordance with division (C)(2) or (3) of section 3313.64 of the Revised Code, and the period of time during that six-month period that the child received an elementary or secondary education. If any school district is responsible to pay tuition for any such child, the department ~~of education~~, no not later than the immediately succeeding last day of February or August, as applicable, shall calculate the amount of the tuition of the district under section 3317.08 of the Revised Code for the period of time indicated on the statement and do one of the following:

(1) If the tuition amount is equal to or less than the

district's state education aid, pay to the institution 40501
submitting the statement an amount equal to the tuition amount, 40502
as provided under division (G) of section 3317.024 of the 40503
Revised Code, and deduct the tuition amount from the state basic 40504
aid funds payable to the district, as provided under division 40505
(C) (2) of section 3317.023 of the Revised Code; 40506

(2) If the tuition amount is greater than the district's 40507
state education aid, require the district to pay to the 40508
institution submitting the statement an amount equal to the 40509
tuition amount. 40510

(B) In the case of any disagreement about the school 40511
district responsible to pay tuition for a child pursuant to this 40512
section, the ~~superintendent of public instruction~~ director of 40513
education and workforce shall make the determination in any such 40514
case in accordance with division (C) (2) or (3) of section 40515
3313.64 of the Revised Code. 40516

Sec. 3317.09. All moneys distributed to a school district, 40517
including any cooperative education or joint vocational school 40518
district and all moneys distributed to any educational service 40519
center, by the state whether from a state or federal source, 40520
shall be accounted for by the division of school finance of the 40521
department of education and workforce. All moneys distributed 40522
shall be coded as to county, school district or educational 40523
service center, source, and other pertinent information, and at 40524
the end of each month, a report of such distribution shall be 40525
made by such division of school finance to each school district 40526
and educational service center. If any board of education fails 40527
to make the report required in section 3319.33 of the Revised 40528
Code, the ~~superintendent of public instruction~~ department shall 40529
be without authority to distribute funds to that school district 40530

or educational service center under this chapter until such time 40531
as the required reports are filed with all specified officers, 40532
boards, or agencies. 40533

Sec. 3317.10. (A) On or before the first day of March of 40534
each year, the department of job and family services shall 40535
certify to the ~~state board~~ department of education and workforce 40536
the unduplicated number of children ages five through seventeen 40537
residing in each school district and living in a family that, 40538
during the preceding October, participated in Ohio works first. 40539

The department of job and family services shall certify 40540
this information according to the school district of residence 40541
for each child. 40542

(B) Upon the transfer of part of the territory of one 40543
school district to the territory of one or more other school 40544
districts, the department of education and workforce may adjust 40545
the number of children certified under division (A) of this 40546
section for any district gaining or losing territory in such a 40547
transfer in order to take into account the effect of the 40548
transfer on the number of such children who reside in the 40549
district. Within sixty days of receipt of a request for 40550
information from the department of education and workforce, the 40551
department of job and family services shall provide any 40552
information the department of education and workforce determines 40553
is necessary to make such adjustments. 40554

Sec. 3317.11. (A) As used in this section: 40555

(1) For fiscal years 2022 and 2023, "base amount" is equal 40556
to \$356,250. 40557

(2) For fiscal years 2022 and 2023, "funding base" means 40558
an amount calculated by the department of education and 40559

workforce that is equal to the amount an educational service center would have received under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020 using the student counts of the school districts with which the service center has service agreements for the fiscal year for which payments under this section are being made.

(3) For fiscal years 2022 and 2023, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.

(4) For fiscal years 2022 and 2023, "student count" means the count calculated under division (G) (1) of section 3313.843 of the Revised Code.

(B) (1) For fiscal years 2022 and 2023, the department of education and workforce shall pay the governing board of each educational service center an amount equal to the following:

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year]

(2) For fiscal year 2024 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly.

(C) For fiscal years 2022 and 2023, the department shall calculate an amount for each educational service center as follows:

(1) If the educational service center has a student count

of 5,000 students or less, the base amount. 40589

(2) If the educational service center has a student count 40590
greater than 5,000 students but less than or equal to 35,000 40591
students, the following sum: 40592

The base amount + [(the educational service center's student 40593
count - 5,000) X \$24.72] 40594

(3) If the educational service center has a student count 40595
greater than 35,000 students, the following sum: 40596

The base amount + (30,000 X \$24.72) + [(the educational service 40597
center's student count - 35,000) X \$30.90] 40598

Sec. 3317.12. Any board of education participating in 40599
funds distributed under Chapter 3317. of the Revised Code shall 40600
annually adopt a salary schedule for nonteaching school 40601
employees based upon training, experience, and qualifications 40602
with initial salaries no less than the salaries in effect on 40603
October 13, 1967. Each board of education shall prepare and may 40604
amend from time to time, specifications descriptive of duties, 40605
responsibilities, requirements, and desirable qualifications of 40606
the classifications of employees required to perform the duties 40607
specified in the salary schedule. All nonteaching school 40608
employees are to be notified of the position classification to 40609
which they are assigned and the salary for the classification. 40610
The compensation of all employees working for a particular 40611
school board shall be uniform for like positions except as 40612
compensation would be affected by salary increments based upon 40613
length of service. 40614

On the fifteenth day of October each year the salary 40615
schedule and the list of job classifications and salaries in 40616
effect on that date shall be filed by each board of education 40617

with the ~~superintendent of public instruction~~department of 40618
education and workforce. If such salary schedule and 40619
classification plan is not filed the ~~superintendent of public~~ 40620
~~instruction department~~ shall order the board to file such 40621
schedules forthwith. If this condition is not corrected within 40622
ten days after receipt of the order from the ~~superintendent of~~ 40623
~~public instruction~~department, no money shall be distributed to 40624
the district under Chapter 3317. of the Revised Code until the 40625
~~superintendent department~~ has satisfactory evidence of the board 40626
of education's full compliance with such order. 40627

Sec. 3317.13. (A) As used in this section and section 40628
3317.14 of the Revised Code: 40629

(1) "Years of service" includes the following: 40630

(a) All years of teaching service in the same school 40631
district or educational service center, regardless of training 40632
level, with each year consisting of at least one hundred twenty 40633
days under a teacher's contract; 40634

(b) All years of teaching service in a chartered, 40635
nonpublic school located in Ohio as a teacher licensed pursuant 40636
to section 3319.22 of the Revised Code or in another public 40637
school, regardless of training level, with each year consisting 40638
of at least one hundred twenty days under a teacher's contract; 40639

(c) All years of teaching service in a chartered school or 40640
institution or a school or institution that subsequently became 40641
chartered or a chartered special education program or a special 40642
education program that subsequently became chartered operated by 40643
the state or by a subdivision or other local governmental unit 40644
of this state as a teacher licensed pursuant to section 3319.22 40645
of the Revised Code, regardless of training level, with each 40646

year consisting of at least one hundred twenty days; and 40647

(d) All years of active military service in the armed 40648
forces of the United States, as defined in section 3307.75 of 40649
the Revised Code, to a maximum of five years. For purposes of 40650
this calculation, a partial year of active military service of 40651
eight continuous months or more in the armed forces shall be 40652
counted as a full year. 40653

(2) "Teacher" means all teachers employed by the board of 40654
education of any school district, including any cooperative 40655
education or joint vocational school district and all teachers 40656
employed by any educational service center governing board. 40657

(B) No teacher shall be paid a salary less than that 40658
provided in the schedule set forth in division (C) of this 40659
section. In calculating the minimum salary any teacher shall be 40660
paid pursuant to this section, years of service shall include 40661
the sum of all years of the teacher's teaching service included 40662
in divisions (A)(1)(a), (b), (c), and (d) of this section; 40663
except that any school district or educational service center 40664
employing a teacher new to the district or educational service 40665
center shall grant such teacher a total of not more than ten 40666
years of service pursuant to divisions (A)(1)(b), (c), and (d) 40667
of this section. 40668

Upon written complaint to the ~~superintendent of public~~ 40669
~~instruction~~ director of education and workforce that the board 40670
of education of a district or the governing board of an 40671
educational service center governing board has failed or refused 40672
to annually adopt a salary schedule or to pay salaries in 40673
accordance with the salary schedule set forth in division (C) of 40674
this section, the ~~superintendent of public instruction~~ director 40675
shall cause to be made an immediate investigation of such 40676

complaint. If the ~~superintendent~~director finds that the 40677
conditions complained of exist, the ~~superintendent~~director 40678
shall order the board to correct such conditions within ten days 40679
from the date of the finding. No moneys shall be distributed to 40680
the district or educational service center under this chapter 40681
until the ~~superintendent~~director has satisfactory evidence of 40682
the board of education's full compliance with such order. 40683

Each teacher shall be fully credited with placement in the 40684
appropriate academic training level column in the district's or 40685
educational service center's salary schedule with years of 40686
service properly credited pursuant to this section or section 40687
3317.14 of the Revised Code. No rule shall be adopted or 40688
exercised by any board of education or educational service 40689
center governing board which restricts the placement or the 40690
crediting of annual salary increments for any teacher according 40691
to the appropriate academic training level column. 40692

(C) Minimum salaries exclusive of retirement and sick 40693
leave for teachers shall be as follows: 40694

40695

	1	2	3	4	5
A Years of Service	Teachers with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Teachers with Five Years of Training, but no Master's Degree	Teachers with a Master's Degree or Higher	

**Sub. S. B. No. 1
As Passed by the Senate**

	1	2	3	4	5	6	7	8	9
A	Per	Dollar	Per	Dollar	Per	Dollar	Per	Dollar	
	Cent*	Amount	Cent*	Amount	Cent*	Amount	Cent*	Amount	

40697

	1	2	3	4	5	6	7	8	9
A	0	86.5	\$25,950	100.0	\$30,000	103.8	\$31,140	109.5	\$32,850
B	1	90.0	27,000	103.8	31,140	108.1	32,430	114.3	34,290
C	2	93.5	28,050	107.6	32,280	112.4	33,720	119.1	35,730
D	3	97.0	29,100	111.4	33,420	116.7	35,010	123.9	37,170
E	4	100.5	30,150	115.2	34,560	121.0	36,300	128.7	38,610
F	5	104.0	31,200	119.0	35,700	125.3	37,590	133.5	40,050
G	6	104.0	31,200	122.8	36,840	129.6	38,880	138.3	41,490
H	7	104.0	31,200	126.6	37,980	133.9	40,170	143.1	42,930
I	8	104.0	31,200	130.4	39,120	138.2	41,460	147.9	44,370
J	9	104.0	31,200	134.2	40,260	142.5	42,750	152.7	45,810
K	10	104.0	31,200	138.0	41,400	146.8	44,040	157.5	47,250
L	11	104.0	31,200	141.8	42,540	151.1	45,330	162.3	48,690

* Percentages represent the percentage which each salary is of the base amount.

40698

40699

For purposes of determining the minimum salary at any 40700
level of training and service, the base of one hundred per cent 40701
shall be the base amount. The percentages used in this section 40702
show the relationships between the minimum salaries required by 40703
this section and the base amount and shall not be construed as 40704
requiring any school district or educational service center to 40705
adopt a schedule containing salaries in excess of the amounts 40706
set forth in this section for corresponding levels of training 40707
and experience. 40708

As used in this division: 40709

(1) "Base amount" means thirty thousand dollars. 40710

(2) "Five years of training" means at least one hundred 40711
fifty semester hours, or the equivalent, and a bachelor's degree 40712
from a recognized college or university. 40713

(D) For purposes of this section, all credited training 40714
shall be from a recognized college or university. 40715

Sec. 3317.14. Any school district board of education or 40716
educational service center governing board participating in 40717
funds distributed under Chapter 3317. of the Revised Code shall 40718
annually adopt a teachers' salary schedule with provision for 40719
increments based upon training and years of service. 40720
Notwithstanding sections 3317.13 and 3319.088 of the Revised 40721
Code, the board may establish its own service requirements and 40722
may grant service credit for such activities as teaching in 40723
public or nonpublic schools in this state or in another state, 40724
for service as an educational assistant other than as a 40725
classroom aide employed in accordance with section 5107.541 of 40726
the Revised Code, and for service in the military or in an 40727
appropriate state or federal governmental agency, provided no 40728

teacher receives less than the amount required to be paid 40729
pursuant to section 3317.13 of the Revised Code and provided 40730
full credit for a minimum of five years of actual teaching and 40731
military experience as defined in division (A) of section 40732
3317.13 of the Revised Code is given to each teacher. 40733

Each teacher who has completed training which would 40734
qualify such teacher for a higher salary bracket pursuant to 40735
this section shall file by the fifteenth day of September with 40736
the treasurer of the board of education or educational service 40737
center satisfactory evidence of the completion of such 40738
additional training. The treasurer shall then immediately place 40739
the teacher, pursuant to this section and section 3317.13 of the 40740
Revised Code, in the proper salary bracket in accordance with 40741
training and years of service before certifying such salary, 40742
training, and years of service to the ~~superintendent of public~~ 40743
~~instruction~~department of education and workforce. No teacher 40744
shall be paid less than the salary to which such teacher is 40745
entitled pursuant to section 3317.13 of the Revised Code. 40746

Sec. 3317.141. The board of education of any city, 40747
exempted village, local, or joint vocational school district 40748
that is the recipient of moneys from a grant awarded under the 40749
federal race to the top program, Division (A), Title XIV, 40750
Sections 14005 and 14006 of the "American Recovery and 40751
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 40752
shall comply with this section in accordance with the timeline 40753
contained in the board's scope of work, as approved by the 40754
~~superintendent of public instruction~~director of education and 40755
workforce, and shall not be subject to sections 3317.13 and 40756
3317.14 of the Revised Code. The board of education of any other 40757
school district, and the governing board of each educational 40758
service center, shall comply with either this section or 40759

sections 3317.13 and 3317.14 of the Revised Code. 40760

(A) The board annually shall adopt a salary schedule for 40761
teachers based upon performance as described in division (B) of 40762
this section. 40763

(B) For purposes of the schedule, a board shall measure a 40764
teacher's performance by considering all of the following: 40765

(1) The level of license issued under section 3319.22 of 40766
the Revised Code that the teacher holds; 40767

(2) Whether the teacher is a properly certified or 40768
licensed teacher, as defined in section 3319.074 of the Revised 40769
Code; 40770

(3) Ratings received by the teacher on performance 40771
evaluations conducted under section 3319.111 of the Revised 40772
Code. 40773

(C) The schedule shall provide for annual adjustments 40774
based on performance on the evaluations conducted under section 40775
3319.111 of the Revised Code. The annual performance-based 40776
adjustment for a teacher rated as accomplished shall be greater 40777
than the annual performance-based adjustment for a teacher rated 40778
as skilled. 40779

(D) The salary schedule adopted under this section may 40780
provide for additional compensation for teachers who agree to 40781
perform duties, not contracted for under a supplemental 40782
contract, that the employing board determines warrant additional 40783
compensation. Those duties may include, but are not limited to, 40784
assignment to a school building eligible for funding under Title 40785
I of the "Elementary and Secondary Education Act of 1965," 20 40786
U.S.C. 6301 et seq.; assignment to a building in "school 40787
improvement" status under the "No Child Left Behind Act of 40788

2001," as defined in section 3302.01 of the Revised Code; 40789
teaching in a grade level or subject area in which the board has 40790
determined there is a shortage within the district or service 40791
center; or assignment to a hard-to-staff school, as determined 40792
by the board. 40793

Sec. 3317.15. (A) As used in this section, "child with a 40794
disability" has the same meaning as in section 3323.01 of the 40795
Revised Code. 40796

(B) Each city, exempted village, local, and joint 40797
vocational school district shall continue to comply with all 40798
requirements of federal statutes and regulations, the Revised 40799
Code, and rules adopted by the ~~state board~~ department of 40800
education and workforce governing education of children with 40801
disabilities, including, but not limited to, requirements that 40802
children with disabilities be served by appropriately licensed 40803
or certificated education personnel. 40804

(C) Each city, exempted village, local, and joint 40805
vocational school district shall consult with the educational 40806
service center serving the county in which the school district 40807
is located and, if it elects to participate pursuant to section 40808
5126.04 of the Revised Code, the county board of developmental 40809
disabilities of that county, in providing services that serve 40810
the best interests of children with disabilities. 40811

(D) Each school district shall annually provide 40812
documentation to the ~~department of education~~ that it employs the 40813
appropriate number of licensed or certificated personnel to 40814
serve the district's students with disabilities. 40815

(E) The department annually shall audit a sample of school 40816
districts to ensure that children with disabilities are being 40817

appropriately reported. 40818

(F) Each school district shall provide speech-language 40819
pathology services at a ratio of one speech-language pathologist 40820
per two thousand students receiving any educational services 40821
from the district other than adult education. Each district 40822
shall provide school psychological services at a ratio of one 40823
school psychologist per two thousand five hundred students 40824
receiving any educational services from the district other than 40825
adult education. A district may obtain the services of speech- 40826
language pathologists and school psychologists by any means 40827
permitted by law, including contracting with an educational 40828
service center. If, however, a district is unable to obtain the 40829
services of the required number of speech-language pathologists 40830
or school psychologists, the district may request from the 40831
~~superintendent of public instruction~~department, and the 40832
~~superintendent~~department may grant, a waiver of this provision 40833
for a period of time established by the 40834
~~superintendent~~department. 40835

Sec. 3317.16. The department of education and workforce 40836
shall compute and distribute state core foundation funding to 40837
each funding unit that is a joint vocational school district for 40838
the fiscal year as follows: 40839

For fiscal years 2022 and 2023: 40840

The district's funding base + [(the district's state core 40841
foundation funding components for that fiscal year calculated 40842
under divisions (A) (1), (2), (4), (5), and (6) of this section - 40843
the district's general funding base) X the district's general 40844
phase-in percentage for that fiscal year] + [(the district's 40845
disadvantaged pupil impact aid for that fiscal year calculated 40846
under division (A) (3) of this section - the district's 40847

disadvantaged pupil impact aid funding base) X the district's 40848
phase-in percentage for disadvantaged pupil impact aid for that 40849
fiscal year] 40850

For fiscal year 2024 and each fiscal year thereafter, the 40851
sum of the district's state core foundation funding components 40852
for that fiscal year calculated under divisions (A) (1), (2), 40853
(3), (4), (5), and (6) of this section. 40854

(A) A district's state core foundation funding components 40855
shall be all of the following: 40856

(1) The district's state share of the base cost, which is 40857
equal to the following: 40858

(a) For fiscal years 2022 and 2023, an amount calculated 40859
according to the following formula: 40860

(The district's base cost calculated under section 3317.012 of 40861
the Revised Code) - (0.0005 X the lesser of the district's 40862
three-year average valuation or the district's most recent 40863
valuation) 40864

However, no district shall receive an amount under 40865
division (A) (1) of this section that is less than 0.05 times the 40866
base cost calculated for the district under section 3317.012 of 40867
the Revised Code. 40868

(b) For fiscal year 2024 and each fiscal year thereafter, 40869
an amount calculated in a manner determined by the general 40870
assembly. 40871

(2) Additional state aid for special education and related 40872
services provided under Chapter 3323. of the Revised Code 40873
calculated as follows: 40874

(a) For fiscal years 2022 and 2023, the sum of the 40875

following: 40876

(i) The district's category one special education ADM X 40877
the multiple specified in division (A) of section 3317.013 of 40878
the Revised Code X the statewide average base cost per pupil for 40879
that fiscal year X the district's state share percentage; 40880

(ii) The district's category two special education ADM X 40881
the multiple specified in division (B) of section 3317.013 of 40882
the Revised Code X the statewide average base cost per pupil for 40883
that fiscal year X the district's state share percentage; 40884

(iii) The district's category three special education ADM 40885
X the multiple specified in division (C) of section 3317.013 of 40886
the Revised Code X the statewide average base cost per pupil for 40887
that fiscal year X the district's state share percentage; 40888

(iv) The district's category four special education ADM X 40889
the multiple specified in division (D) of section 3317.013 of 40890
the Revised Code X the statewide average base cost per pupil for 40891
that fiscal year X the district's state share percentage; 40892

(v) The district's category five special education ADM X 40893
the multiple specified in division (E) of section 3317.013 of 40894
the Revised Code X the statewide average base cost per pupil for 40895
that fiscal year X the district's state share percentage; 40896

(vi) The district's category six special education ADM X 40897
the multiple specified in division (F) of section 3317.013 of 40898
the Revised Code X the statewide average base cost per pupil for 40899
that fiscal year X the district's state share percentage. 40900

(b) For fiscal year 2024 and each fiscal year thereafter, 40901
the sum of the following: 40902

(i) An amount calculated in a manner determined by the 40903

general assembly times the funding unit's category one special education ADM; 40904
40905

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM; 40906
40907
40908

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM; 40909
40910
40911

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM; 40912
40913
40914

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM; 40915
40916
40917

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM. 40918
40919
40920

(3) Disadvantaged pupil impact aid calculated as follows: 40921

(a) For fiscal years 2022 and 2023, an amount calculated according to the following formula: 40922
40923

\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D) (2) (p) of section 3317.03 of the Revised Code 40924
40925
40926
40927

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 40928
40929
40930

(4) English learner funds calculated as follows:	40931
(a) For fiscal years 2022 and 2023, the sum of the following:	40932 40933
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40934 40935 40936 40937
(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	40938 40939 40940 40941
(iii) The district's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.	40942 40943 40944 40945
(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:	40946 40947
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;	40948 40949 40950
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;	40951 40952 40953
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.	40954 40955 40956
(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	40957 40958

(6) Career-technical education associated services funds 40959
calculated under division (D) of section 3317.014 of the Revised 40960
Code. 40961

(B)(1) If a joint vocational school district's costs for a 40962
fiscal year for a student in its categories two through six 40963
special education ADM exceed the threshold catastrophic cost for 40964
serving the student, as specified in division (B) of section 40965
3317.0214 of the Revised Code, the district may submit to the 40966
~~superintendent of public instruction department~~ documentation, 40967
as prescribed by the ~~superintendent~~ department, of all of its 40968
costs for that student. Upon submission of documentation for a 40969
student of the type and in the manner prescribed, the department 40970
shall pay to the district an amount equal to the sum of the 40971
following: 40972

(a) One-half of the district's costs for the student in 40973
excess of the threshold catastrophic cost; 40974

(b) The product of one-half of the district's costs for 40975
the student in excess of the threshold catastrophic cost 40976
multiplied by the district's state share percentage. 40977

(2) The district shall report under division (B)(1) of 40978
this section, and the department shall pay for, only the costs 40979
of educational expenses and the related services provided to the 40980
student in accordance with the student's individualized 40981
education program. Any legal fees, court costs, or other costs 40982
associated with any cause of action relating to the student may 40983
not be included in the amount. 40984

(C)(1) For each student with a disability receiving 40985
special education and related services under an individualized 40986
education program, as defined in section 3323.01 of the Revised 40987

Code, at a joint vocational school district, the resident 40988
district or, if the student is enrolled in a community school, 40989
the community school shall be responsible for the amount of any 40990
costs of providing those special education and related services 40991
to that student that exceed the sum of the amount calculated for 40992
those services attributable to that student under division (A) 40993
of this section. 40994

Those excess costs shall be calculated using a formula 40995
approved by the department. 40996

(2) The board of education of the joint vocational school 40997
district may report the excess costs calculated under division 40998
(C) (1) of this section to the department ~~of education~~. 40999

(3) If the board of education of the joint vocational 41000
school district reports excess costs under division (C) (2) of 41001
this section, the department shall pay the amount of excess cost 41002
calculated under division (C) (2) of this section to the joint 41003
vocational school district and shall deduct that amount as 41004
provided in division (C) (3) (a) or (b) of this section, as 41005
applicable: 41006

(a) If the student is not enrolled in a community school, 41007
the department shall deduct the amount from the account of the 41008
student's resident district pursuant to division (J) of section 41009
3317.023 of the Revised Code. 41010

(b) If the student is enrolled in a community school, the 41011
department shall deduct the amount from the account of the 41012
community school pursuant to section 3314.083 of the Revised 41013
Code. 41014

(D) A joint vocational school district shall spend the 41015
funds it receives under division (A) (3) of this section in 41016

accordance with section 3317.25 of the Revised Code. 41017

(E) For fiscal years 2022 and 2023, a school district 41018
shall spend the funds it receives under division (A) (4) of this 41019
section only for services for English learners. 41020

(F) As used in this section: 41021

(1) "Community school" means a community school 41022
established under Chapter 3314. of the Revised Code. 41023

(2) "Resident district" means the city, local, or exempted 41024
village school district in which a student is entitled to attend 41025
school under section 3313.64 or 3313.65 of the Revised Code. 41026

Sec. 3317.161. (A) As used in this section, "lead 41027
district" has the same meaning as in section 3317.023 of the 41028
Revised Code. 41029

(B) (1) A career-technical education program of a city, 41030
local, or exempted village school district, community school, or 41031
STEM school shall be subject to approval under this section in 41032
order for the district or school to qualify for state funding 41033
for the program. Approval granted under this section shall be 41034
valid for the five fiscal years following the fiscal year in 41035
which the program is approved and may be renewed. Approval shall 41036
be subject to annual review under division (E) of this section. 41037

(2) If a district or school becomes a new member of a 41038
career-technical planning district, its career-technical 41039
education programs shall be approved or disapproved by the lead 41040
district of the career-technical planning district during the 41041
fiscal year in which the district or school becomes a member of 41042
the career-technical planning district. Any program of the 41043
district or school that was approved by the department of 41044
education and workforce for an approval period that includes the 41045

fiscal year in which the district or school becomes a new member 41046
of the career-technical planning district shall retain its 41047
approved status during that fiscal year. 41048

(3) If an existing member of a career-technical planning 41049
district develops a new career-technical education program, that 41050
program shall be approved or disapproved by the lead district of 41051
the career-technical planning district prior to the first fiscal 41052
year for which the district or school is seeking funding for the 41053
program. 41054

(4) Except as provided in division (B) (2) of this section, 41055
if a career-technical education program was approved by the 41056
department prior to September 29, 2013, that approval remains 41057
valid for the unexpired remainder of the approval period 41058
specified by the department. Approval of that program may then 41059
be renewed in accordance with this section on a date prior to 41060
the expiration of the approval period. 41061

(C) (1) The lead district of a career-technical planning 41062
district shall approve or disapprove for a five-year period each 41063
career-technical education program of the city, local, and 41064
exempted village school districts, community schools, and STEM 41065
schools that are assigned by the department to the career- 41066
technical planning district. The lead district's decision to 41067
approve or disapprove a program shall be based on requirements 41068
for career-technical education programs that are specified in 41069
rules adopted by the department. These requirements shall 41070
include, but are not limited to, all of the following: 41071

(a) Demand for the career-technical education program by 41072
industries in the state; 41073

(b) Quality of the program; 41074

(c) Potential for a student enrolled in the program to receive the training that will qualify the student for industry credentials or post-secondary education;	41075 41076 41077
(d) Admission requirements of the lead district;	41078
(e) Past performance of the district or school that is offering the program;	41079 41080
(f) Traveling distance;	41081
(g) Sustainability;	41082
(h) Capacity;	41083
(i) Availability of the program within the career-technical planning district;	41084 41085
(j) In the case of a new program, the cost to begin the program.	41086 41087
(2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program. If a program is approved, the lead district shall notify the department of its decision. If a program is disapproved, the lead district shall notify the district or school of its decision.	41088 41089 41090 41091 41092 41093 41094
If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March.	41095 41096 41097 41098 41099
(D) (1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education	41100 41101

program, the department shall review the lead district's 41102
decision and determine whether to approve or disapprove the 41103
program not later than the fifteenth day of May prior to the 41104
first fiscal year for which the district or school is seeking 41105
funding for the program. The department shall notify the 41106
district or school and the lead district of the district's or 41107
school's career-technical planning district of its 41108
determination. 41109

(2) Upon receiving an appeal from a district or school of 41110
a lead district's disapproval of a career-technical education 41111
program or failure to take action to approve or disapprove the 41112
program, the department shall review the lead district's 41113
disapproval or failure to take action. The department shall 41114
decide whether to approve or disapprove the program as a result 41115
of this review not later than the fifteenth day of May prior to 41116
the first fiscal year for which the district or school is 41117
seeking funding for the program. The department shall notify the 41118
lead district and the appealing district or school of its 41119
determination. 41120

(3) In conducting a review under division (D) (1) or (2) of 41121
this section, the department shall consider the criteria 41122
prescribed under division (C) (1) of this section. 41123

(4) If the department approves a program under division 41124
(D) (1) or (2) of this section, it shall authorize the payment to 41125
the district or school of the funds attributed to the career- 41126
technical students enrolled in that program in the next fiscal 41127
year according to a payment schedule prescribed by the 41128
department. 41129

(5) The department's decisions under divisions (D) (1) and 41130
(2) of this section shall be final and not appealable. 41131

(6) The ~~superintendent of public instruction~~ director of education and workforce may adopt guidelines identifying circumstances in which the department may, after consulting with a lead district, approve or disapprove a program that has been approved or disapproved by the lead district after the deadline prescribed in division (D) (1) or (2) of this section has passed.

(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance with any directives for performance improvement that are issued by the department or the lead district as a result of any review conducted under this section.

Sec. 3317.162. (A) For fiscal years 2022 and 2023, the department of education and workforce shall pay temporary transitional aid to each joint vocational school district according to the following formula:

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) - (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is computed)

If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero.

(B) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023 but does not receive payments for

the fiscal year immediately preceding that fiscal year, the 41161
department shall establish the district's funding base, as that 41162
term is defined in section 3317.02 of the Revised Code, as an 41163
amount equal to the absolute value of the sum of the associated 41164
adjustments of any local school district's funding base under 41165
division (C) of section 3317.019 of the Revised Code. 41166

Sec. 3317.164. (A) As used in this section, "JobsOhio" has 41167
the same meaning as in section 187.01 of the Revised Code. 41168

(B) The governor's office of workforce transformation, in 41169
collaboration with the department of education and workforce, 41170
the chancellor of higher education, and JobsOhio, shall create a 41171
program that establishes financial incentives for Ohio 41172
businesses to provide work-based learning experiences for 41173
students enrolled in a career-technical education program 41174
approved under section 3317.161 of the Revised Code. 41175

(C) To qualify for the financial incentives of the program 41176
created under this section, a business's work-based learning 41177
experiences shall align with the framework developed by the 41178
department under division (J) (3) of section 3313.603 of the 41179
Revised Code and with the applicable minor labor laws under 41180
section 4109.02 of the Revised Code. 41181

Sec. 3317.18. (A) As used in this section, the terms 41182
"Chapter 133. securities," "credit enhancement facilities," 41183
"debt charges," "general obligation," "legislation," "public 41184
obligations," and "securities" have the same meanings as in 41185
section 133.01 of the Revised Code. 41186

(B) The board of education of any school district 41187
authorizing the issuance of securities under section 133.10 or 41188
3313.372 of the Revised Code or general obligation Chapter 133. 41189

securities may adopt legislation requesting the ~~state~~ department 41190
of education and workforce to approve, and enter into an 41191
agreement with the school district and the primary paying agent 41192
or fiscal agent for such securities providing for, the 41193
withholding and deposit of funds, otherwise due the district 41194
under Chapter 3317. of the Revised Code, for the payment of debt 41195
service charges on such securities. 41196

The board of education shall deliver to the state 41197
department a copy of such resolution and any additional 41198
pertinent information the ~~state~~ department may require. 41199

The department ~~of education~~ and the office of budget and 41200
management shall evaluate each request received from a school 41201
district under this section and the department, with the advice 41202
and consent of the director of budget and management, shall 41203
approve or deny each request based on all of the following: 41204

(1) Whether approval of the request will enhance the 41205
marketability of the securities for which the request is made; 41206

(2) Any other pertinent factors or limitations established 41207
in rules made under division (I) of this section, including: 41208

(a) Current and projected obligations of funds due to the 41209
requesting school district under Chapter 3317. of the Revised 41210
Code including obligations of those funds to public obligations 41211
or relevant credit enhancement facilities under this section, 41212
Chapter 133. and section 3313.483 of the Revised Code, and under 41213
any other similar provisions of law; 41214

(b) Whether the department of education and workforce or 41215
the office of budget and management has any reason to believe 41216
the requesting school district will be unable to pay when due 41217
the debt charges on the securities for which the request is 41218

made. 41219

The department may require a school district to establish 41220
schedules for the payment of all debt charges that take into 41221
account the amount and timing of anticipated distributions of 41222
funds to the district under Chapter 3317. of the Revised Code. 41223

(C) If the department approves the request of a school 41224
district to withhold and deposit funds pursuant to this section, 41225
the department shall enter into a written agreement with the 41226
district and the primary paying agent or fiscal agent for the 41227
securities which shall provide for the withholding of funds 41228
pursuant to this section for the payment of debt charges on 41229
those securities, and may include both of the following: 41230

(1) Provisions for certification by the district to the 41231
department, at a time prior to any date for the payment of 41232
applicable debt charges, whether the district is able to pay 41233
those debt charges when due; 41234

(2) Requirements that the district deposit amounts for the 41235
payment of debt charges on the securities with the primary 41236
paying agent or fiscal agent for the securities prior to the 41237
date on which those debt charge payments are due to the owners 41238
or holders of the securities. 41239

(D) Whenever a district notifies the department ~~of~~ 41240
~~education~~ that it will be unable to pay debt charges when they 41241
are due, subject to the withholding provisions of this section, 41242
or whenever the applicable paying agent or fiscal agent notifies 41243
the department that it has not timely received from a school 41244
district the full amount needed for the payment when due of 41245
those debt charges to the holders or owners of such securities, 41246
the department shall immediately contact the school district and 41247

the paying agent or fiscal agent to confirm or determine whether 41248
the district is unable to make the required payment by the date 41249
on which it is due. 41250

Upon demand of the treasurer of state while holding a 41251
school district obligation purchased under division (G) (1) of 41252
section 135.143 of the Revised Code, the ~~state department of~~ 41253
~~education~~, without a request of the school district, shall 41254
withhold and deposit funds pursuant to this section for payment 41255
of debt service charges on that obligation. 41256

If the department confirms or determines that the district 41257
will be unable to make such payment and payment will not be made 41258
pursuant to a credit enhancement facility, the department shall 41259
promptly pay to the applicable primary paying agent or fiscal 41260
agent the lesser of the amount due for debt charges or the 41261
amount due the district for the remainder of the fiscal year 41262
under Chapter 3317. of the Revised Code. If this amount is 41263
insufficient to pay the total amount then due the agent for the 41264
payment of debt charges, the department shall pay to the agent 41265
each fiscal year thereafter, and until the full amount due the 41266
agent for unpaid debt charges is paid in full, the lesser of the 41267
remaining amount due the agent for debt charges or the amount 41268
due the district for the fiscal year under Chapter 3317. of the 41269
Revised Code. 41270

(E) The ~~state~~ department may make any payments under this 41271
division by direct deposit of funds by electronic transfer. 41272

Any amount received by a paying agent or fiscal agent 41273
under this section shall be applied only to the payment of debt 41274
charges on the securities of the school district subject to this 41275
section or to the reimbursement to the provider of a credit 41276
enhancement facility that has paid such debt charges. 41277

(F) To the extent a school district whose securities are 41278
subject to this section is unable to pay applicable debt charges 41279
because of the failure to collect property taxes levied for the 41280
payment of those debt charges, the district may transfer to or 41281
deposit into any fund that would have received payments under 41282
Chapter 3317. of the Revised Code that were withheld under this 41283
section any such delinquent property taxes when later collected, 41284
provided that transfer or deposit shall be limited to the 41285
amounts withheld from that fund under this section. 41286

(G) The department may make payments under this section to 41287
paying agents or fiscal agents only from and to the extent that 41288
money is appropriated by the general assembly for Chapter 3317. 41289
of the Revised Code or for the purposes of this section. No 41290
securities of a school district to which this section is made 41291
applicable constitute an obligation or a debt or a pledge of the 41292
faith, credit, or taxing power of the state, and the holders or 41293
owners of such securities have no right to have taxes levied or 41294
appropriations made by the general assembly for the payment of 41295
debt charges on those securities, and those securities, if the 41296
department requires, shall contain a statement to that effect. 41297
The agreement for or the actual withholding and payment of 41298
moneys under this section does not constitute the assumption by 41299
the state of any debt of a school district. 41300

(H) In the case of securities subject to the withholding 41301
provisions of this section, the issuing board of education shall 41302
appoint a paying agent or fiscal agent who is not an officer or 41303
employee of the school district. 41304

(I) The department ~~of education~~, with the advice of the 41305
office of budget and management, may adopt reasonable rules not 41306
inconsistent with this section for the implementation of this 41307

section and division (B) of section 133.25 of the Revised Code 41308
as it relates to the withholding and depositing of payments 41309
under Chapter 3317. of the Revised Code to secure payment of 41310
debt charges on school district securities. Those rules shall 41311
include criteria for the evaluation and approval or denial of 41312
school district requests for withholding under this section and 41313
limits on the obligation for the purpose of paying debt charges 41314
or reimbursing credit enhancement facilities of funds otherwise 41315
to be paid to school districts under Chapter 3317. of the 41316
Revised Code. 41317

(J) The authority granted by this section is in addition 41318
to and not a limitation on any other authorizations granted by 41319
or pursuant to law for the same or similar purposes. 41320

Sec. 3317.19. The ~~state board~~ department of education and 41321
workforce shall compute and distribute to each cooperative 41322
education school district for each fiscal year an amount equal 41323
to the sum of the following: 41324

(A) An amount equal to the total of the amounts credited 41325
to the cooperative education school district pursuant to 41326
division (H) of section 3317.023 of the Revised Code; 41327

(B) An amount for assisting in providing free lunches to 41328
needy children pursuant to division (D) of section 3317.024 of 41329
the Revised Code. 41330

Sec. 3317.201. This section does not apply to preschool 41331
children with disabilities. 41332

(A) As used in this section, the "total special education 41333
amount" for an institution means the following: 41334

(1) For fiscal years 2022 and 2023, the sum of the 41335
following amounts: 41336

(a) The number of children certified by the institution 41337
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41338
Code as receiving services for a disability described in 41339
division (A) of section 3317.013 of the Revised Code multiplied 41340
by the multiple specified in that division multiplied by the 41341
statewide average base cost per pupil; 41342

(b) The number of children certified by the institution 41343
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41344
Code as receiving services for a disability described in 41345
division (B) of section 3317.013 of the Revised Code multiplied 41346
by the multiple specified in that division multiplied by the 41347
statewide average base cost per pupil; 41348

(c) The number of children certified by the institution 41349
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41350
Code as receiving services for a disability described in 41351
division (C) of section 3317.013 of the Revised Code multiplied 41352
by the multiple specified in that division multiplied by the 41353
statewide average base cost per pupil; 41354

(d) The number of children certified by the institution 41355
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41356
Code as receiving services for a disability described in 41357
division (D) of section 3317.013 of the Revised Code multiplied 41358
by the multiple specified in that division multiplied by the 41359
statewide average base cost per pupil; 41360

(e) The number of children certified by the institution 41361
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41362
Code as receiving services for a disability described in 41363
division (E) of section 3317.013 of the Revised Code multiplied 41364
by the multiple specified in that division multiplied by the 41365
statewide average base cost per pupil; 41366

(f) The number of children certified by the institution 41367
under division (G) (1) (a) (i) of section 3317.03 of the Revised 41368
Code as receiving services for a disability described in 41369
division (F) of section 3317.013 of the Revised Code multiplied 41370
by the multiple specified in that division multiplied by the 41371
statewide average base cost per pupil. 41372

(2) For fiscal year 2024 and each fiscal year thereafter, 41373
the sum of the following amounts: 41374

(a) An amount calculated in a manner determined by the 41375
general assembly times the number of children certified by the 41376
institution under division (G) (1) (a) (i) of section 3317.03 of 41377
the Revised Code as receiving services for a disability 41378
described in division (A) of section 3317.013 of the Revised 41379
Code; 41380

(b) An amount calculated in a manner determined by the 41381
general assembly times the number of children certified by the 41382
institution under division (G) (1) (a) (i) of section 3317.03 of 41383
the Revised Code as receiving services for a disability 41384
described in division (B) of section 3317.013 of the Revised 41385
Code; 41386

(c) An amount calculated in a manner determined by the 41387
general assembly times the number of children certified by the 41388
institution under division (G) (1) (a) (i) of section 3317.03 of 41389
the Revised Code as receiving services for a disability 41390
described in division (C) of section 3317.013 of the Revised 41391
Code; 41392

(d) An amount calculated in a manner determined by the 41393
general assembly times the number of children certified by the 41394
institution under division (G) (1) (a) (i) of section 3317.03 of 41395

the Revised Code as receiving services for a disability 41396
described in division (D) of section 3317.013 of the Revised 41397
Code; 41398

(e) An amount calculated in a manner determined by the 41399
general assembly times the number of children certified by the 41400
institution under division (G) (1) (a) (i) of section 3317.03 of 41401
the Revised Code as receiving services for a disability 41402
described in division (E) of section 3317.013 of the Revised 41403
Code; 41404

(f) An amount calculated in a manner determined by the 41405
general assembly times the number of children certified by the 41406
institution under division (G) (1) (a) (i) of section 3317.03 of 41407
the Revised Code as receiving services for a disability 41408
described in division (F) of section 3317.013 of the Revised 41409
Code. 41410

(B) For each fiscal year, the department of education and 41411
workforce shall pay each state institution required to provide 41412
special education services under division (A) of section 41413
3323.091 of the Revised Code an amount equal to the 41414
institution's total special education amount. 41415

Sec. 3317.23. (A) For purposes of this section: 41416

(1) "Competency-based educational program" means any 41417
system of academic instruction, assessment, grading, and 41418
reporting where students receive credit based on demonstrations 41419
and assessments of their learning rather than the amount of time 41420
they spend studying a subject. A competency-based educational 41421
program shall encourage accelerated learning among students who 41422
master academic materials quickly while providing additional 41423
instructional support time for students who need it. 41424

(2) An "eligible individual" is an individual who 41425
satisfies both of the following criteria: 41426

(a) The individual is at least twenty-two years of age. 41427

(b) The individual has not been awarded a high school 41428
diploma or a certificate of high school equivalence as defined 41429
in section 4109.06 of the Revised Code. 41430

(B) An eligible individual may enroll in a city, local, or 41431
exempted village school district that operates a dropout 41432
prevention and recovery program for up to two consecutive school 41433
years for the purpose of earning a high school diploma. An 41434
individual enrolled under this division may elect to satisfy the 41435
requirements to earn a high school diploma by successfully 41436
completing a competency-based educational program that complies 41437
with the standards adopted by the department of education and 41438
workforce under section 3317.231 of the Revised Code. The 41439
district shall report that individual's enrollment on a full- 41440
time equivalency basis under division (A) of section 3317.036 of 41441
the Revised Code and shall not report that individual's 41442
enrollment under section 3317.03 of the Revised Code. An 41443
individual enrolled under this division shall not be assigned to 41444
classes or settings with students who are younger than eighteen 41445
years of age. 41446

(C) (1) For each district that enrolls individuals under 41447
division (B) of this section, the department annually shall 41448
certify the enrollment and attendance, on a full-time 41449
equivalency basis, of each individual reported by the district 41450
under division (A) of section 3317.036 of the Revised Code. 41451

(2) For each individual enrolled in a district under 41452
division (B) of this section, the department annually shall pay 41453

the district up to \$5,000, as determined by the department based 41454
on the extent of the individual's successful completion of the 41455
graduation requirements prescribed under sections 3313.603, 41456
3313.61, 3313.611, and 3313.614 of the Revised Code. 41457

(D) A district that enrolls individuals under division (B) 41458
of this section shall be subject to the program administration 41459
standards adopted by the department under section 3317.231 of 41460
the Revised Code, as applicable. 41461

Sec. 3317.231. The department of education and workforce 41462
shall adopt rules regarding the administration of programs that 41463
enroll individuals who are at least twenty-two years of age 41464
under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the 41465
Revised Code, including data collection, the reporting and 41466
certification of enrollment in the programs, the measurement of 41467
the academic performance of individuals enrolled in the 41468
programs, and the standards for competency-based educational 41469
programs, as defined in section 3317.23 of the Revised Code. 41470

Sec. 3317.24. (A) For purposes of this section, 41471
"competency-based educational program" and "eligible individual" 41472
have the same meanings as in section 3317.23 of the Revised 41473
Code. 41474

(B) An eligible individual may enroll in a joint 41475
vocational school district that operates an adult education 41476
program for up to two cumulative school years for the purpose of 41477
completing the requirements to earn a high school diploma. An 41478
individual enrolled under this division may elect to satisfy 41479
these requirements by successfully completing a competency-based 41480
educational program that complies with the standards adopted by 41481
the department of education and workforce under section 3317.231 41482
of the Revised Code. The district shall report an individual's 41483

enrollment under this division on a full-time equivalency basis 41484
under division (B) of section 3317.036 of the Revised Code and 41485
shall not report that individual's enrollment under section 41486
3317.03 of the Revised Code. An individual enrolled under this 41487
division shall not be assigned to classes or settings with 41488
students who are younger than eighteen years of age. 41489

(C) (1) For each joint vocational school district that 41490
enrolls individuals under division (B) of this section, the 41491
department annually shall certify the enrollment and attendance, 41492
on a full-time equivalency basis, of each individual reported by 41493
the district under division (B) of section 3317.036 of the 41494
Revised Code. 41495

(2) For each individual enrolled in a joint vocational 41496
school district under division (B) of this section, the 41497
department annually shall pay the district up to \$5,000, as 41498
determined by the department based on the extent of the 41499
individual's successful completion of the graduation 41500
requirements prescribed under sections 3313.603, 3313.61, 41501
3313.611, and 3313.614 of the Revised Code. 41502

(D) If an individual enrolled in a joint vocational school 41503
district under division (B) of this section completes the 41504
requirements to earn a high school diploma, the joint vocational 41505
school district shall certify the completion of those 41506
requirements to the city, local, or exempted village school 41507
district in which the individual resides. Upon receiving 41508
certification under this division, the city, local, or exempted 41509
village school district in which the individual resides shall 41510
issue a high school diploma to the individual within sixty days 41511
of receiving the certification. 41512

(E) A joint vocational school district that enrolls 41513

individuals under division (B) of this section shall be subject 41514
to the program administration standards adopted by the 41515
department under section 3317.231 of the Revised Code, as 41516
applicable. 41517

Sec. 3317.25. (A) As used in this section, "disadvantaged 41518
pupil impact aid" means the following: 41519

(1) For a city, local, or exempted village school 41520
district, the funds received under division (A) (4) (a) of section 41521
3317.022 of the Revised Code; 41522

(2) For a joint vocational school district, the funds 41523
received under division (A) (3) of section 3317.16 of the Revised 41524
Code; 41525

(3) For a community school established under Chapter 3314. 41526
of the Revised Code, the funds received under division (A) (4) (b) 41527
of section 3317.022 of the Revised Code; 41528

(4) For a STEM school established under Chapter 3326. of 41529
the Revised Code, the funds received under division (A) (4) (b) of 41530
section 3317.022 of the Revised Code. 41531

(B) (1) For fiscal years 2022 and 2023, a city, local, 41532
exempted village, or joint vocational school district, community 41533
school, or STEM school shall spend the disadvantaged pupil 41534
impact aid it receives for any of the following initiatives or a 41535
combination of any of the following initiatives: 41536

(a) Extended school day and school year; 41537

(b) Reading improvement and intervention; 41538

(c) Instructional technology or blended learning; 41539

(d) Professional development in reading instruction for 41540

teachers of students in kindergarten through third grade;	41541
(e) Dropout prevention;	41542
(f) School safety and security measures;	41543
(g) Community learning centers that address barriers to learning;	41544 41545
(h) Academic interventions for students in any of grades six through twelve;	41546 41547
(i) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;	41548 41549 41550 41551
(j) Mental health services, including telehealth services;	41552
(k) Culturally appropriate, evidence-based or evidence-informed prevention education, including youth-led programming and social and emotional learning curricula to promote mental health and prevent substance use and suicide;	41553 41554 41555 41556
(l) Services for homeless youth;	41557
(m) Services for child welfare involved youth;	41558
(n) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;	41559 41560 41561
(o) Physical health care services, including telehealth services;	41562 41563
(p) Family engagement and support services;	41564
(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in	41565 41566

session, including mentoring programs. 41567

(2) For fiscal year 2024 and each fiscal year thereafter, 41568
each city, local, exempted village, and joint vocational school 41569
district, community school, and STEM school shall spend the 41570
disadvantaged pupil impact aid it receives for one or more 41571
initiatives specified by the general assembly. 41572

(C) (1) For fiscal years 2022 and 2023, each city, local, 41573
exempted village, and joint vocational school district, 41574
community school, and STEM school that is subject to the 41575
requirements of this section shall develop a plan for utilizing 41576
the disadvantaged pupil impact aid it receives in coordination 41577
with at least one of the following community partners: 41578

(a) A board of alcohol, drug addiction, and mental health 41579
services established under Chapter 340. of the Revised Code; 41580

(b) An educational service center; 41581

(c) A county board of developmental disabilities; 41582

(d) A community-based mental health treatment provider; 41583

(e) A board of health of a city or general health 41584
district; 41585

(f) A county department of job and family services; 41586

(g) A nonprofit organization with experience serving 41587
children; 41588

(h) A public hospital agency. 41589

(2) For fiscal year 2024 and each fiscal year thereafter, 41590
each city, local, exempted village, and joint vocational school 41591
district, community school, and STEM school that is subject to 41592
the requirements of this section shall develop a plan for 41593

utilizing the disadvantaged pupil impact aid it receives in the 41594
manner specified by the general assembly, if the general 41595
assembly requires city, local, exempted village, and joint 41596
vocational school districts, community schools, and STEM schools 41597
to develop such a plan. 41598

(D) After the end of each fiscal year, each city, local, 41599
exempted village, or joint vocational school district, community 41600
school, and STEM school shall submit a report to the department 41601
of education and workforce describing the initiative or 41602
initiatives on which the district's or school's disadvantaged 41603
pupil impact aid were spent during that fiscal year. For fiscal 41604
years 2022 and 2023, this report shall be submitted in a manner 41605
prescribed by the department and shall also describe the amount 41606
of money that was spent on each initiative. 41607

(E) Starting in 2015, the department shall submit a report 41608
of the information it receives under division (C) of this 41609
section to the general assembly not later than the first day of 41610
December of each odd-numbered year in accordance with section 41611
101.68 of the Revised Code. 41612

Sec. 3317.40. (A) As used in this section, "subgroup" 41613
means one of the following subsets of the entire student 41614
population of a school district or a school building: 41615

(1) Students with disabilities; 41616

(2) Economically disadvantaged students; 41617

(3) English learners; 41618

(4) Students identified as gifted in superior cognitive 41619
ability and specific academic ability fields under Chapter 3324. 41620
of the Revised Code. 41621

(B) It is the intent of the general assembly that funds 41622
provided under this chapter shall be used for the provision of a 41623
system of common schools and the advancement of the knowledge of 41624
all students. As such, school districts and schools shall be 41625
held accountable for those funds to ensure that all students are 41626
provided an opportunity to graduate from high school prepared 41627
for a career or for post-secondary education. 41628

(C) When funds are provided under this chapter 41629
specifically for services for a subgroup of students, the 41630
general assembly has determined that these students experience 41631
unique challenges requiring additional resources and intends 41632
that the funds so provided be used for services that will allow 41633
students in those subgroups to master the knowledge base 41634
required for high school graduation. 41635

(D) If a district or school fails to show satisfactory 41636
achievement and progress, as determined by the ~~state board-~~ 41637
department of education and workforce, for any subgroup of 41638
students based on performance measures reported or graded under 41639
section 3302.03 of the Revised Code, the district or school 41640
shall submit an improvement plan to the department for approval. 41641
The plan may be included in any other improvement plan required 41642
of the district or school under state or federal law. The 41643
department may require that a plan required under division (C) 41644
of this section include an agreement to partner with another 41645
organization that has demonstrated the ability to improve the 41646
educational outcome for that subgroup of students to provide 41647
services to those students. The partner organization may be 41648
another school, district, or other education provider. 41649

~~Not later than December 31, 2014, the state board of~~ 41650
~~education~~ The department shall establish measures of 41651

satisfactory achievement and progress, which include, but are 41652
not limited to, performance measures under section 3302.03 of 41653
the Revised Code. The department shall make the initial 41654
determination of satisfactory achievement and progress under 41655
this section using those measures not later than September 1, 41656
2015, and then make determinations under this section annually 41657
thereafter. 41658

The department shall publish a list of schools, school 41659
districts, and other educational providers that have 41660
demonstrated an ability to serve each subgroup of students. 41661

Sec. 3317.50. The telecommunity education fund is hereby 41662
created in the state treasury. The fund shall consist of certain 41663
excess local exchange telephone company contributions 41664
transferred from the reserve fund of the Ohio telecommunications 41665
advisory board pursuant to an agreement between the public 41666
utilities commission of Ohio and the Ohio department of 41667
education and workforce. The fund shall be used by the 41668
chancellor of ~~the Ohio board of regents~~ higher education, in the 41669
amounts appropriated, to finance technology grants to state- 41670
chartered elementary and secondary schools. Investment earnings 41671
of the fund shall be credited to the fund. 41672

Sec. 3317.51. (A) The distance learning fund is hereby 41673
created in the state treasury. The fund shall consist of moneys 41674
paid by any telephone company as a part of a settlement 41675
agreement between such company and the public utilities 41676
commission in fiscal year 1995 in part to establish distance 41677
learning throughout the state. The chancellor of ~~the Ohio board~~ 41678
~~of regents~~ higher education shall administer the fund and expend 41679
moneys from it to finance technology grants to eligible schools 41680
chartered by the ~~state board~~ director of education and workforce 41681

to establish distance learning in those schools. Chartered 41682
schools are eligible for funds if they are within the service 41683
area of the telephone company. Investment earnings of the fund 41684
shall be credited to the fund. 41685

(B) For purposes of this section, "distance learning" 41686
means the creation of a learning environment involving a school 41687
setting and at least one other location outside of the school 41688
which allows for information available at one site to be 41689
accessed at the other through the use of such educational 41690
applications as one-way or two-way transmission of data, voice, 41691
and video, singularly or in appropriate combinations. 41692

Sec. 3318.011. For purposes of providing assistance under 41693
sections 3318.01 to 3318.20 of the Revised Code, the department 41694
of education and workforce shall annually do all of the 41695
following: 41696

(A) Calculate the adjusted valuation per pupil of each 41697
city, local, and exempted village school district according to 41698
the following formula: 41699

The district's valuation per pupil - [$\$30,000 \times (1 - \text{the}$ 41700
district's income factor)]. 41701

For purposes of this calculation: 41702

(1) Except for a district with an open enrollment net gain 41703
that is ten per cent or more of its formula ADM, "valuation per 41704
pupil" for a district means its average taxable value, divided 41705
by its formula ADM for the previous fiscal year. "Valuation per 41706
pupil," for a district with an open enrollment net gain that is 41707
ten per cent or more of its formula ADM, means its average 41708
taxable value, divided by the sum of its formula ADM for the 41709
previous fiscal year plus its open enrollment net gain for the 41710

previous fiscal year. 41711

(2) "Average taxable value" means the average of the sum 41712
of the amounts certified for a district under divisions (A) (1) 41713
and (2) of section 3317.021 of the Revised Code in the second, 41714
third, and fourth preceding fiscal years. 41715

(3) "Entitled to attend school" means entitled to attend 41716
school in a city, local, or exempted village school district 41717
under section 3313.64 or 3313.65 of the Revised Code. 41718

(4) "Formula ADM" has the same meaning as in section 41719
3317.02 of the Revised Code. 41720

(5) "Native student" has the same meaning as in section 41721
3313.98 of the Revised Code. 41722

(6) "Open enrollment net gain" for a district means (a) 41723
the number of the students entitled to attend school in another 41724
district but who are enrolled in the schools of the district 41725
under its open enrollment policy minus (b) the number of the 41726
district's native students who are enrolled in the schools of 41727
another district under the other district's open enrollment 41728
policy, both numbers as certified to the department under 41729
section 3313.981 of the Revised Code. If the difference is a 41730
negative number, the district's "open enrollment net gain" is 41731
zero. 41732

(7) "Open enrollment policy" means an interdistrict open 41733
enrollment policy adopted under section 3313.98 of the Revised 41734
Code. 41735

(8) "District median income" means the median Ohio 41736
adjusted gross income certified for a school district under 41737
section 3317.021 of the Revised Code. 41738

(9) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state. 41739
41740
41741

(10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income. 41742
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(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years; 41745
41746
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(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil; 41748
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(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil; 41752
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(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state; 41758
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41760
41761

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio facilities construction commission. 41762
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41764

Sec. 3318.033. (A) As used in this section: 41765

(1) "Formula ADM" has the same meaning as in section 41766

3317.02 of the Revised Code. 41767

(2) "Open enrollment net gain" has the same meaning as in 41768
section 3318.011 of the Revised Code. 41769

(B) This section applies to each school district that 41770
meets the following criteria: 41771

(1) The Ohio facilities construction commission certified 41772
its conditional approval of the district's project under 41773
sections 3318.01 to 3318.20 of the Revised Code after July 1, 41774
2006, and prior to September 29, 2007, and the project had not 41775
been completed as of September 29, 2007. 41776

(2) Within one year after the date of the commission's 41777
certification of its conditional approval, the district's 41778
electors approved a bond issue to pay the district's portion of 41779
the basic project cost or the district board of education 41780
complied with section 3318.052 of the Revised Code. 41781

(3) In the fiscal year prior to the fiscal year in which 41782
the district's project was conditionally approved, the district 41783
had an open enrollment net gain that was ten per cent or more of 41784
its formula ADM. 41785

(C) For each school district to which this section 41786
applies, the department of education and workforce shall 41787
recalculate the district's percentile ranking under section 41788
3318.011 of the Revised Code for the fiscal year prior to the 41789
fiscal year in which the district's project was conditionally 41790
approved and shall report the recalculated percentile ranking to 41791
the commission. For this purpose, the department shall 41792
recalculate every school district's percentile ranking for that 41793
fiscal year using the district's "valuation per pupil" as that 41794
term is defined in section 3318.011 of the Revised Code on and 41795

after September 29, 2007. 41796

(D) For each school district to which this section 41797
applies, the commission shall use the recalculated percentile 41798
ranking reported under division (C) of this section to determine 41799
the district's portion of the basic project cost under section 41800
3318.032 of the Revised Code. The commission shall not use the 41801
recalculated percentile ranking for any other purpose, and the 41802
recalculated ranking shall not affect any other district's 41803
portion of the basic project cost under section 3318.032 of the 41804
Revised Code or any district's eligibility for assistance under 41805
sections 3318.01 to 3318.20 of the Revised Code. The commission 41806
shall revise the agreement entered into under section 3318.08 of 41807
the Revised Code to reflect the district's new portion of the 41808
basic project cost as determined under this division. 41809

Sec. 3318.051. (A) Any city, exempted village, or local 41810
school district that commences a project under sections 3318.01 41811
to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on 41812
or after September 5, 2006, need not levy the tax otherwise 41813
required under division (B) of section 3318.05 of the Revised 41814
Code, if the district board of education adopts a resolution 41815
petitioning the Ohio facilities construction commission to 41816
approve the transfer of money in accordance with this section 41817
and the commission approves that transfer. If so approved, the 41818
commission and the district board shall enter into an agreement 41819
under which the board, in each of twenty-three consecutive years 41820
beginning in the year in which the board and the commission 41821
enter into the project agreement under section 3318.08 of the 41822
Revised Code, shall transfer into the maintenance fund required 41823
by division (D) of section 3318.05 of the Revised Code not less 41824
than an amount equal to one-half mill for each dollar of the 41825
district's valuation unless and until the agreement to make 41826

those transfers is rescinded by the district board pursuant to 41827
division (F) of this section. 41828

(B) On the first day of July each year, or on an 41829
alternative date prescribed by the commission, the district 41830
treasurer shall certify to the commission and the auditor of 41831
state that the amount required for the year has been 41832
transferred. The auditor of state shall include verification of 41833
the transfer as part of any audit of the district under section 41834
117.11 of the Revised Code. If the auditor of state finds that 41835
less than the required amount has been deposited into a 41836
district's maintenance fund, the auditor of state shall notify 41837
the district board of education in writing of that fact and 41838
require the board to deposit into the fund, within ninety days 41839
after the date of the notice, the amount by which the fund is 41840
deficient for the year. If the district board fails to 41841
demonstrate to the auditor of state's satisfaction that the 41842
board has made the deposit required in the notice, the auditor 41843
of state shall notify the department of education and workforce. 41844
At that time, the department shall withhold an amount equal to 41845
ten per cent of the district's funds calculated for the current 41846
fiscal year under Chapter 3317. of the Revised Code until the 41847
auditor of state notifies the department that the auditor of 41848
state is satisfied that the board has made the required 41849
transfer. 41850

(C) Money transferred to the maintenance fund shall be 41851
used for the maintenance or, upon approval of the Ohio 41852
facilities construction commission, upgrade of the facilities 41853
acquired under the district's project. 41854

(D) The transfers to the maintenance fund under this 41855
section does not affect a district's obligation to establish and 41856

maintain a capital and maintenance fund under section 3315.18 of 41857
the Revised Code. 41858

(E) Any decision by the commission to approve or not 41859
approve the transfer of money under this section is final and 41860
not subject to appeal. The commission shall not be responsible 41861
for errors or miscalculations made in deciding whether to 41862
approve a petition to make transfers under this section. 41863

(F) If the district board determines that it no longer can 41864
continue making the transfers agreed to under this section, the 41865
board may rescind the agreement only so long as the electors of 41866
the district have approved, in accordance with section 3318.063 41867
of the Revised Code, the levy of a tax for the maintenance of 41868
the classroom facilities acquired under the district's project 41869
and that levy continues to be collected as approved by the 41870
electors. That levy shall be for a number of years that is equal 41871
to the difference between twenty-three years and the number of 41872
years that the district made transfers under this section and 41873
shall be at the rate of not less than one-half mill for each 41874
dollar of the district's valuation. The district board shall 41875
continue to make the transfers agreed to under this section 41876
until that levy has been approved by the electors. 41877

Sec. 3318.08. Except in the case of a joint vocational 41878
school district that receives assistance under sections 3318.40 41879
to 3318.45 of the Revised Code, if the requisite favorable vote 41880
on the election is obtained, or if the school district board has 41881
resolved to apply the proceeds of a property tax levy or the 41882
proceeds of an income tax, or a combination of proceeds from 41883
such taxes, as authorized in section 3318.052 of the Revised 41884
Code, the Ohio facilities construction commission, upon 41885
certification to it of either the results of the election or the 41886

resolution under section 3318.052 of the Revised Code, shall 41887
enter into a written agreement with the school district board 41888
for the construction and sale of the project. In the case of a 41889
joint vocational school district that receives assistance under 41890
sections 3318.40 to 3318.45 of the Revised Code, if the school 41891
district board of education and the school district electors 41892
have satisfied the conditions prescribed in division (D)(1) of 41893
section 3318.41 of the Revised Code, the commission shall enter 41894
into an agreement with the school district board for the 41895
construction and sale of the project. In either case, the 41896
agreement shall include, but need not be limited to, the 41897
following provisions: 41898

(A) The sale and issuance of bonds or notes in 41899
anticipation thereof, as soon as practicable after the execution 41900
of the agreement, in an amount equal to the school district's 41901
portion of the basic project cost, including any securities 41902
authorized under division (J) of section 133.06 of the Revised 41903
Code and dedicated by the school district board to payment of 41904
the district's portion of the basic project cost of the project; 41905
provided, that if at that time the county treasurer of each 41906
county in which the school district is located has not commenced 41907
the collection of taxes on the general duplicate of real and 41908
public utility property for the year in which the controlling 41909
board approved the project, the school district board shall 41910
authorize the issuance of a first installment of bond 41911
anticipation notes in an amount specified by the agreement, 41912
which amount shall not exceed an amount necessary to raise the 41913
net bonded indebtedness of the school district as of the date of 41914
the controlling board's approval to within five thousand dollars 41915
of the required level of indebtedness for the preceding year. In 41916
the event that a first installment of bond anticipation notes is 41917

issued, the school district board shall, as soon as practicable 41918
after the county treasurer of each county in which the school 41919
district is located has commenced the collection of taxes on the 41920
general duplicate of real and public utility property for the 41921
year in which the controlling board approved the project, 41922
authorize the issuance of a second and final installment of bond 41923
anticipation notes or a first and final issue of bonds. 41924

The combined value of the first and second installment of 41925
bond anticipation notes or the value of the first and final 41926
issue of bonds shall be equal to the school district's portion 41927
of the basic project cost. The proceeds of any such bonds shall 41928
be used first to retire any bond anticipation notes. Otherwise, 41929
the proceeds of such bonds and of any bond anticipation notes, 41930
except the premium and accrued interest thereon, shall be 41931
deposited in the school district's project construction fund. In 41932
determining the amount of net bonded indebtedness for the 41933
purpose of fixing the amount of an issue of either bonds or bond 41934
anticipation notes, gross indebtedness shall be reduced by 41935
moneys in the bond retirement fund only to the extent of the 41936
moneys therein on the first day of the year preceding the year 41937
in which the controlling board approved the project. Should 41938
there be a decrease in the tax valuation of the school district 41939
so that the amount of indebtedness that can be incurred on the 41940
tax duplicates for the year in which the controlling board 41941
approved the project is less than the amount of the first 41942
installment of bond anticipation notes, there shall be paid from 41943
the school district's project construction fund to the school 41944
district's bond retirement fund to be applied against such notes 41945
an amount sufficient to cause the net bonded indebtedness of the 41946
school district, as of the first day of the year following the 41947
year in which the controlling board approved the project, to be 41948

within five thousand dollars of the required level of 41949
indebtedness for the year in which the controlling board 41950
approved the project. The maximum amount of indebtedness to be 41951
incurred by any school district board as its share of the cost 41952
of the project is either an amount that will cause its net 41953
bonded indebtedness, as of the first day of the year following 41954
the year in which the controlling board approved the project, to 41955
be within five thousand dollars of the required level of 41956
indebtedness, or an amount equal to the required percentage of 41957
the basic project costs, whichever is greater. All bonds and 41958
bond anticipation notes shall be issued in accordance with 41959
Chapter 133. of the Revised Code, and notes may be renewed as 41960
provided in section 133.22 of the Revised Code. 41961

(B) The transfer of such funds of the school district 41962
board available for the project, together with the proceeds of 41963
the sale of the bonds or notes, except premium, accrued 41964
interest, and interest included in the amount of the issue, to 41965
the school district's project construction fund; 41966

(C) For all school districts except joint vocational 41967
school districts that receive assistance under sections 3318.40 41968
to 3318.45 of the Revised Code, the following provisions as 41969
applicable: 41970

(1) If section 3318.052 of the Revised Code applies, the 41971
earmarking of the proceeds of a tax levied under section 5705.21 41972
of the Revised Code for general permanent improvements or under 41973
section 5705.218 of the Revised Code for the purpose of 41974
permanent improvements, or the proceeds of a school district 41975
income tax levied under Chapter 5748. of the Revised Code, or 41976
the proceeds from a combination of those two taxes, in an amount 41977
to pay all or part of the service charges on bonds issued to pay 41978

the school district portion of the project and an amount 41979
equivalent to all or part of the tax required under division (B) 41980
of section 3318.05 of the Revised Code; 41981

(2) If section 3318.052 of the Revised Code does not 41982
apply, one of the following: 41983

(a) The levy of the tax authorized at the election for the 41984
payment of maintenance costs, as specified in division (B) of 41985
section 3318.05 of the Revised Code; 41986

(b) If the school district electors have approved a 41987
continuing tax for general permanent improvements under section 41988
5705.21 of the Revised Code and that tax can be used for 41989
maintenance, the earmarking of an amount of the proceeds from 41990
such tax for maintenance of classroom facilities as specified in 41991
division (B) of section 3318.05 of the Revised Code; 41992

(c) If, in lieu of the tax otherwise required under 41993
division (B) of section 3318.05 of the Revised Code, the 41994
commission has approved the transfer of money to the maintenance 41995
fund in accordance with section 3318.051 of the Revised Code, a 41996
requirement that the district board comply with the provisions 41997
of that section. The district board may rescind the provision 41998
prescribed under division (C) (2) (c) of this section only so long 41999
as the electors of the district have approved, in accordance 42000
with section 3318.063 of the Revised Code, the levy of a tax for 42001
the maintenance of the classroom facilities acquired under the 42002
district's project and that levy continues to be collected as 42003
approved by the electors. 42004

(D) For joint vocational school districts that receive 42005
assistance under sections 3318.40 to 3318.45 of the Revised 42006
Code, provision for deposit of school district moneys dedicated 42007

to maintenance of the classroom facilities acquired under those 42008
sections as prescribed in section 3318.43 of the Revised Code; 42009

(E) Dedication of any local donated contribution as 42010
provided for under section 3318.084 of the Revised Code, 42011
including a schedule for depositing such moneys applied as an 42012
offset of the district's obligation to levy the tax described in 42013
division (B) of section 3318.05 of the Revised Code as required 42014
under division (D) (2) of section 3318.084 of the Revised Code; 42015

(F) Ownership of or interest in the project during the 42016
period of construction, which shall be divided between the 42017
commission and the school district board in proportion to their 42018
respective contributions to the school district's project 42019
construction fund; 42020

(G) Maintenance of the state's interest in the project 42021
until any obligations issued for the project under section 42022
3318.26 of the Revised Code are no longer outstanding; 42023

(H) The insurance of the project by the school district 42024
from the time there is an insurable interest therein and so long 42025
as the state retains any ownership or interest in the project 42026
pursuant to division (F) of this section, in such amounts and 42027
against such risks as the commission shall require; provided, 42028
that the cost of any required insurance until the project is 42029
completed shall be a part of the basic project cost; 42030

(I) The certification by the director of budget and 42031
management that funds are available and have been set aside to 42032
meet the state's share of the basic project cost as approved by 42033
the controlling board pursuant to either section 3318.04 or 42034
division (B) (1) of section 3318.41 of the Revised Code; 42035

(J) Authorization of the school district board to 42036

advertise for and receive construction bids for the project, for 42037
and on behalf of the commission, and to award contracts in the 42038
name of the state subject to approval by the commission; 42039

(K) Provisions for the disbursement of moneys from the 42040
school district's project account upon issuance by the 42041
commission or the commission's designated representative of 42042
vouchers for work done to be certified to the commission by the 42043
treasurer of the school district board; 42044

(L) Disposal of any balance left in the school district's 42045
project construction fund upon completion of the project; 42046

(M) Limitations upon use of the project or any part of it 42047
so long as any obligations issued to finance the project under 42048
section 3318.26 of the Revised Code are outstanding; 42049

(N) Provision for vesting the state's interest in the 42050
project to the school district board when the obligations issued 42051
to finance the project under section 3318.26 of the Revised Code 42052
are outstanding; 42053

(O) Provision for deposit of an executed copy of the 42054
agreement in the office of the commission; 42055

(P) Provision for termination of the contract and release 42056
of the funds encumbered at the time of the conditional approval, 42057
if the proceeds of the sale of the bonds of the school district 42058
board are not paid into the school district's project 42059
construction fund and if bids for the construction of the 42060
project have not been taken within such period after the 42061
execution of the agreement as may be fixed by the commission; 42062

(Q) A provision that requires the school district to 42063
adhere to a facilities maintenance plan approved by the 42064
commission; 42065

(R) Provision that all state funds reserved and encumbered 42066
to pay the state share of the cost of the project and the funds 42067
provided by the school district to pay for its share of the 42068
project cost, including the respective shares of the cost of a 42069
segment if the project is divided into segments, be spent on the 42070
construction and acquisition of the project or segment 42071
simultaneously in proportion to the state's and the school 42072
district's respective shares of that basic project cost as 42073
determined under section 3318.032 of the Revised Code or, if the 42074
district is a joint vocational school district, under section 42075
3318.42 of the Revised Code. However, if the school district 42076
certifies to the commission that expenditure by the school 42077
district is necessary to maintain the federal tax status or tax- 42078
exempt status of notes or bonds issued by the school district to 42079
pay for its share of the project cost or to comply with 42080
applicable temporary investment periods or spending exceptions 42081
to rebate as provided for under federal law in regard to those 42082
notes or bonds, the school district may commit to spend, or 42083
spend, a greater portion of the funds it provides during any 42084
specific period than would otherwise be required under this 42085
division. 42086

(S) A provision stipulating that the commission may 42087
prohibit the district from proceeding with any project if the 42088
commission determines that the site is not suitable for 42089
construction purposes. The commission may perform soil tests in 42090
its determination of whether a site is appropriate for 42091
construction purposes. 42092

(T) A provision stipulating that, unless otherwise 42093
authorized by the commission, any contingency reserve portion of 42094
the construction budget prescribed by the commission shall be 42095
used only to pay costs resulting from unforeseen job conditions, 42096

to comply with rulings regarding building and other codes, to 42097
pay costs related to design clarifications or corrections to 42098
contract documents, and to pay the costs of settlements or 42099
judgments related to the project as provided under section 42100
3318.086 of the Revised Code; 42101

(U) A provision stipulating that for continued release of 42102
project funds the school district board shall comply with 42103
sections 3313.41, 3313.411, and 3313.413 of the Revised Code 42104
throughout the project and shall notify the department of 42105
education and workforce and the Ohio community school 42106
association when the board plans to dispose of facilities by 42107
sale under that section; 42108

(V) A provision stipulating that the commission shall not 42109
approve a contract for demolition of a facility until the school 42110
district board has complied with sections 3313.41, 3313.411, and 42111
3313.413 of the Revised Code relative to that facility, unless 42112
demolition of that facility is to clear a site for construction 42113
of a replacement facility included in the district's project. 42114

Sec. 3318.084. (A) Notwithstanding anything to the 42115
contrary in Chapter 3318. of the Revised Code, a school district 42116
board may apply any local donated contribution toward any of the 42117
following: 42118

(1) The district's portion of the basic project cost of a 42119
project under either sections 3318.01 to 3318.20 or sections 42120
3318.40 to 3318.45 of the Revised Code to reduce the amount of 42121
bonds the district otherwise must issue in order to receive 42122
state assistance under those sections; 42123

(2) If the school district is not a joint vocational 42124
school district proceeding under sections 3318.40 to 3318.45 of 42125

the Revised Code, an offset of all or part of a district's 42126
obligation to levy the tax described in division (B) of section 42127
3318.05 of the Revised Code, which shall be applied only in the 42128
manner prescribed in division (B) of this section; 42129

(3) If the school district is a joint vocational school 42130
district proceeding under sections 3318.40 to 3318.45 of the 42131
Revised Code, all or part of the amount the school district is 42132
obligated to set aside for maintenance of the classroom 42133
facilities acquired under that project pursuant to section 42134
3318.43 of the Revised Code. 42135

(B) No school district board shall apply any local donated 42136
contribution under division (A) (2) of this section unless the 42137
Ohio facilities construction commission first approves that 42138
application. 42139

Upon the request of the school district board to apply 42140
local donated contribution under division (A) (2) of this 42141
section, the commission in consultation with the department of 42142
taxation shall determine the amount of total revenue that likely 42143
would be generated by one-half mill of the tax described in 42144
division (B) of section 3318.05 of the Revised Code over the 42145
entire twenty-three-year period required under that section and 42146
shall deduct from that amount any amount of local donated 42147
contribution that the board has committed to apply under 42148
division (A) (2) of this section. The commission then shall 42149
determine in consultation with the department of taxation the 42150
rate of tax over twenty-three years necessary to generate the 42151
amount of a one-half mill tax not offset by the local donated 42152
contribution. Notwithstanding anything to the contrary in 42153
section 3318.06, 3318.061, or 3318.361 of the Revised Code, the 42154
rate determined by the commission shall be the rate for which 42155

the district board shall seek elector approval under those 42156
sections to meet its obligation under division (B) of section 42157
3318.05 of the Revised Code. In the case of a complete offset of 42158
the district's obligation under division (B) of section 3318.05 42159
of the Revised Code, the district shall not be required to levy 42160
the tax otherwise required under that section. At the end of the 42161
twenty-three-year period of the tax required under division (B) 42162
of section 3318.05 of the Revised Code, whether or not the tax 42163
is actually levied, the commission in consultation of the 42164
department of taxation shall recalculate the amount that would 42165
have been generated by the tax if it had been levied at one-half 42166
mill. If the total amount actually generated over that period 42167
from both the tax that was actually levied and any local donated 42168
contribution applied under division (A) (2) of this section is 42169
less than the amount that would have been raised by a one-half 42170
mill tax, the district shall pay any difference. If the total 42171
amount actually raised in such manner is greater than the amount 42172
that would have been raised by a one-half mill tax the 42173
difference shall be zero and no payments shall be made by either 42174
the district or the commission. 42175

(C) As used in this section, "local donated contribution" 42176
means any of the following: 42177

(1) Any moneys irrevocably donated or granted to a school 42178
district board by a source other than the state which the board 42179
has the authority to apply to the school district's project 42180
under sections 3318.01 to 3318.20 of the Revised Code and which 42181
the board has pledged for that purpose by resolution adopted by 42182
a majority of its members; 42183

(2) Any irrevocable letter of credit issued on behalf of a 42184
school district which the school district board has encumbered 42185

for payment of the school district's share of its project under 42186
sections 3318.01 to 3318.20 of the Revised Code that has been 42187
approved by the commission in consultation with the department 42188
of education and workforce; 42189

(3) Any cash a school district has on hand that the school 42190
district board has encumbered for payment of the school 42191
district's share of its project under sections 3318.01 to 42192
3318.20 of the Revised Code that has been approved by the 42193
commission in consultation with the department ~~of education~~, 42194
including the following: 42195

(a) Any year-end operating fund balances that can be spent 42196
for classroom facilities; 42197

(b) Any cash resulting from a lease-purchase agreement 42198
that the school district board has entered into under section 42199
3313.375 of the Revised Code, provided that the agreement and 42200
the related financing documents contain provisions protecting 42201
the state's superior interest in the project. 42202

(4) Any moneys spent by a source other than the school 42203
district or the state for construction or renovation of specific 42204
classroom facilities that have been approved by the commission 42205
as part of the basic project cost of the district's project. The 42206
school district, the commission, and the entity providing the 42207
local donated contribution under division (C) (4) of this section 42208
shall enter into an agreement identifying the classroom 42209
facilities to be acquired by the expenditures made by that 42210
entity. The agreement shall include, but not be limited to, 42211
stipulations that require an audit by the commission of such 42212
expenditures made on behalf of the district and that specify the 42213
maximum amount of credit to be allowed for those expenditures. 42214
Upon completion of the construction or renovation, the 42215

commission shall determine the actual amount that the commission 42216
will credit, at the request of the district board, toward the 42217
district's portion of the basic project cost, any project cost 42218
overruns, or the basic project cost of future segments if the 42219
project has been divided into segments under section 3318.38 of 42220
the Revised Code. The actual amount of the credit shall not 42221
exceed the lesser of the amount specified in the agreement or 42222
the actual cost of the construction or renovation. 42223

(D) No state moneys shall be released for a project to 42224
which this section applies until: 42225

(1) Any local donated contribution authorized under 42226
division (A) (1) of this section is first deposited into the 42227
school district's project construction fund. 42228

(2) The school district board and the commission have 42229
included a stipulation in their agreement entered into under 42230
section 3318.08 of the Revised Code under which the board will 42231
deposit into a fund approved by the commission according to a 42232
schedule that does not extend beyond the anticipated completion 42233
date of the project the total amount of any local donated 42234
contribution authorized under division (A) (2) or (3) of this 42235
section and dedicated by the board for that purpose. 42236

However, if any local donated contribution as described in 42237
division (C) (4) of this section has been approved under this 42238
section, the state moneys may be released even if the entity 42239
providing that local donated contribution has not spent the 42240
moneys so dedicated as long as the agreement required under that 42241
section has been executed. 42242

Sec. 3318.18. (A) As used in this section: 42243

(1) "Valuation" of a school district means the sum of the 42244

amounts described in divisions (A) (1) and (2) of section 42245
3317.021 of the Revised Code as most recently certified for the 42246
district before the annual computation is made under division 42247
(B) of this section. 42248

(2) "Valuation per pupil" of a school district means the 42249
district's valuation divided by the district's formula ADM as 42250
most recently calculated under section 3317.03 of the Revised 42251
Code before the annual computation is made under division (B) of 42252
this section. 42253

(3) "Statewide average valuation per pupil" means the 42254
total of the valuations of all school districts divided by the 42255
total of the formula ADMs of all school districts as most 42256
recently calculated under section 3317.03 of the Revised Code 42257
before the annual computation is made under division (C) of this 42258
section. 42259

(4) "Maintenance levy requirement" means the tax required 42260
to be levied pursuant to division (C) (2) (a) of section 3318.08 42261
and division (B) of section 3318.05 of the Revised Code or the 42262
application of proceeds of another levy to paying the costs of 42263
maintaining classroom facilities pursuant to division (A) (2) of 42264
section 3318.052, division (C) (1) or (C) (2) (b) of section 42265
3318.08, or division (D) (2) of section 3318.36 of the Revised 42266
Code, or a combination thereof. 42267

(5) "Project agreement" means an agreement between a 42268
school district and the Ohio facilities construction commission 42269
under section 3318.08 or division (B) (1) of section 3318.36 of 42270
the Revised Code. 42271

~~(B) On or before July 1, 2006, the department of education 42272~~
~~shall compute the statewide average valuation per pupil and the 42273~~

~~valuation per pupil of each school district, and provide them to~~ 42274
~~the Ohio facilities construction commission.~~ On or before the 42275
first day of July each year beginning in 2007, the department of 42276
education and workforce shall compute the statewide average 42277
valuation per pupil and the valuation per pupil of each school 42278
district that has not already entered into a project agreement, 42279
and provide the results of those computations to the commission. 42280

(C) (1) At the time the Ohio facilities construction 42281
commission enters into a project agreement with a school 42282
district, the commission shall compute the difference between 42283
the district's valuation per pupil and the statewide average 42284
valuation per pupil as most recently provided to the commission 42285
under division (B) of this section. If the school district's 42286
valuation per pupil is less than the average statewide valuation 42287
per pupil, the commission shall multiply the difference between 42288
those amounts by one-half mill times the formula ADM of the 42289
district as most recently reported to the department ~~of~~ 42290
~~education~~ for October under division (A) of section 3317.03 of 42291
the Revised Code. The commission shall certify the resulting 42292
product to the department ~~of education~~, along with the date on 42293
which the maintenance levy requirement terminates as provided in 42294
the project agreement between the school district board and the 42295
commission. 42296

(2) In the case of a school district that entered into a 42297
project agreement after July 1, 1997, but before July 1, 2006, 42298
the commission shall make the computation described in division 42299
(C) (1) of this section on the basis of the district's valuation 42300
per pupil and the statewide average valuation per pupil computed 42301
as of September 1, 2006, and the district's formula ADM reported 42302
for October 2005. 42303

(3) The amount computed for a school district under 42304
division (C) (1) or (2) of this section shall not change for the 42305
period during which payments are made to the district under 42306
division (D) of this section. 42307

(4) A computation need not be made under division (C) (1) 42308
or (2) of this section for a school district that certified a 42309
resolution to the commission under division (D) (3) of section 42310
3318.36 of the Revised Code until the district becomes eligible 42311
for state assistance as provided in that division. 42312

(D) In the fourth quarter of each fiscal year, for each 42313
school district for which a computation has been made under 42314
division (C) of this section, the department ~~of education~~ shall 42315
pay the amount computed to each such school district. Payments 42316
shall be made to a school district each year until and including 42317
the tax year in which the district's maintenance levy 42318
requirement terminates. Payments shall be paid from the half- 42319
mill equalization fund, subject to appropriation by the general 42320
assembly. However, the department shall make no payments under 42321
this section to any district that elects the procedure 42322
authorized by section 3318.051 of the Revised Code. 42323

(E) Payments made to a school district under this section 42324
shall be credited to the district's classroom facilities 42325
maintenance fund and shall be used only for the purpose of 42326
maintaining facilities constructed or renovated under the 42327
project agreement. 42328

(F) There is hereby created in the state treasury the 42329
half-mill equalization fund. The fund shall receive transfers 42330
pursuant to section 5727.85 of the Revised Code. The fund shall 42331
be used first to make annual payments under division (D) of this 42332
section. If a balance remains in the fund after such payments 42333

are made in full for a year, the Ohio facilities construction 42334
commission may request the controlling board to transfer a 42335
reasonable amount from such remaining balance to the public 42336
school building fund created under section 3318.15 of the 42337
Revised Code for the purposes of this chapter. 42338

All investment earnings arising from investment of money 42339
in the half-mill equalization fund shall be credited to the 42340
fund. 42341

Sec. 3318.363. (A) This section applies beginning in 42342
fiscal year 2003 and only to a school district participating in 42343
the school building assistance expedited local partnership 42344
program under section 3318.36 of the Revised Code. 42345

(B) If there is a decrease in the tax valuation of a 42346
school district to which this section applies by ten per cent or 42347
greater from one tax year to the next due to a decrease in the 42348
assessment rate of the taxable property of an electric company 42349
that owns property in the district, as provided for in section 42350
5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of 42351
the 123rd General Assembly, the Ohio facilities construction 42352
commission shall calculate or recalculate the state and school 42353
district portions of the basic project cost of the school 42354
district's project by determining the percentile rank in which 42355
the district would be located if such ranking were made using 42356
the adjusted valuation per pupil calculated under division (C) 42357
of this section rather than the three-year average adjusted 42358
valuation per pupil, calculated under division (B) of section 42359
3318.011 of the Revised Code. For such district, the required 42360
percentage of the basic project cost used to determine the state 42361
and school district shares of that cost under division (C) of 42362
section 3318.36 of the Revised Code shall be based on the 42363

percentile rank as calculated under this section rather than as 42364
otherwise provided in division (C) (1) of section 3318.36 of the 42365
Revised Code. If the commission has determined the state and 42366
school district portion of the basic project cost of such a 42367
district's project under section 3318.36 of the Revised Code 42368
prior to that decrease in tax valuation, the commission shall 42369
adjust the state and school district shares of the basic project 42370
cost of such project in accordance with this section. 42371

(C) (1) As used in divisions (C) and (D) of this section, 42372
"total taxable value" and "formula ADM" have the same meanings 42373
as in section 3317.02 of the Revised Code, and "income factor" 42374
has the same meaning as in section 3318.011 of the Revised Code. 42375

(2) The adjusted valuation per pupil for a school district 42376
to which this section applies shall be calculated using the 42377
following formula: 42378

(The district's total taxable value for the tax year 42379
preceding the calendar year in which the current fiscal year 42380
begins / the district's formula ADM for the previous fiscal 42381
year) - [\$30,000 x (1 - the district's income factor)]. 42382

(D) At the request of the Ohio facilities construction 42383
commission, the department of education and workforce shall 42384
report a district's total taxable value for the tax year 42385
preceding the calendar year in which the current fiscal year 42386
begins for any district to which this section applies as that 42387
information has been certified to the department by the tax 42388
commissioner pursuant to section 3317.021 of the Revised Code. 42389

Sec. 3318.42. (A) Not later than the sixty-first day after 42390
March 14, 2003, and subsequently not later than the sixty-first 42391
day after the first day of each ensuing fiscal year, the 42392

department of education and workforce shall do all of the 42393
following: 42394

(1) Calculate the valuation per pupil of each joint 42395
vocational school district according to the following formula: 42396

The school district's average taxable value divided by the 42397
school district's formula ADM calculated under section 3317.03 42398
of the Revised Code for the previous fiscal year. For purposes 42399
of this calculation: 42400

(a) "Average taxable value" means the average of the 42401
amounts certified for a school district in the second, third, 42402
and fourth preceding tax years under divisions (A) (1) and (2) of 42403
section 3317.021 of the Revised Code. 42404

(b) "Formula ADM" has the same meaning as defined in 42405
section 3317.02 of the Revised Code. 42406

(2) Calculate for each school district the three-year 42407
average of the valuations per pupil calculated for the school 42408
district for the current and two preceding fiscal years; 42409

(3) Rank all joint vocational school districts in order 42410
from the school district with the lowest three-year average 42411
valuation per pupil to the school district with the highest 42412
three-year average valuation per pupil; 42413

(4) Divide the ranking under division (A) (3) of this 42414
section into percentiles with the first percentile containing 42415
the one per cent of school districts having the lowest three- 42416
year average valuations per pupil and the one-hundredth 42417
percentile containing the one per cent of school districts 42418
having the highest three-year average valuations per pupil; 42419

(5) Certify the information described in divisions (A) (1) 42420

to (4) of this section to the Ohio facilities construction 42421
commission. 42422

(B) The commission annually shall select school districts 42423
for assistance under sections 3318.40 to 3318.45 of the Revised 42424
Code in the order of the school districts' three-year average 42425
valuations per pupil such that the school district with the 42426
lowest three-year average valuation per pupil shall be given the 42427
highest priority for assistance. 42428

(C) Each joint vocational school district's portion of the 42429
basic project cost of the school district's project under 42430
sections 3318.40 to 3318.45 of the Revised Code shall be one per 42431
cent times the percentile in which the district ranks, except 42432
that no school district's portion shall be less than twenty-five 42433
per cent or greater than ninety-five per cent of the basic 42434
project cost. 42435

Sec. 3319.02. (A) (1) As used in this section, "other 42436
administrator" means any of the following: 42437

(a) Except as provided in division (A) (2) of this section, 42438
any employee in a position for which a board of education 42439
requires a license designated by rule of the ~~department~~state 42440
board of education for being an administrator issued under 42441
section 3319.22 of the Revised Code, including a professional 42442
pupil services employee or administrative specialist or an 42443
equivalent of either one who is not employed as a school 42444
counselor and spends less than fifty per cent of the time 42445
employed teaching or working with students; 42446

(b) Any nonlicensed employee whose job duties enable such 42447
employee to be considered as either a "supervisor" or a 42448
"management level employee," as defined in section 4117.01 of 42449

the Revised Code; 42450

(c) A business manager appointed under section 3319.03 of 42451
the Revised Code. 42452

(2) As used in this section, "other administrator" does 42453
not include a superintendent, assistant superintendent, 42454
principal, or assistant principal. 42455

(B) The board of education of each school district and the 42456
governing board of an educational service center may appoint one 42457
or more assistant superintendents and such other administrators 42458
as are necessary. An assistant educational service center 42459
superintendent or service center supervisor employed on a part- 42460
time basis may also be employed by a local board as a teacher. 42461
The board of each city, exempted village, and local school 42462
district shall employ principals for all high schools and for 42463
such other schools as the board designates, and those boards may 42464
appoint assistant principals for any school that they designate. 42465

(C) In educational service centers and in city, exempted 42466
village, and local school districts, assistant superintendents, 42467
principals, assistant principals, and other administrators shall 42468
only be employed or reemployed in accordance with nominations of 42469
the superintendent, except that a board of education of a school 42470
district or the governing board of a service center, by a three- 42471
fourths vote of its full membership, may reemploy any assistant 42472
superintendent, principal, assistant principal, or other 42473
administrator whom the superintendent refuses to nominate. 42474

The board of education or governing board shall execute a 42475
written contract of employment with each assistant 42476
superintendent, principal, assistant principal, and other 42477
administrator it employs or reemploys. The term of such contract 42478

shall not exceed three years except that in the case of a person 42479
who has been employed as an assistant superintendent, principal, 42480
assistant principal, or other administrator in the district or 42481
center for three years or more, the term of the contract shall 42482
be for not more than five years and, unless the superintendent 42483
of the district recommends otherwise, not less than two years. 42484
If the superintendent so recommends, the term of the contract of 42485
a person who has been employed by the district or service center 42486
as an assistant superintendent, principal, assistant principal, 42487
or other administrator for three years or more may be one year, 42488
but all subsequent contracts granted such person shall be for a 42489
term of not less than two years and not more than five years. 42490
When a teacher with continuing service status becomes an 42491
assistant superintendent, principal, assistant principal, or 42492
other administrator with the district or service center with 42493
which the teacher holds continuing service status, the teacher 42494
retains such status in the teacher's nonadministrative position 42495
as provided in sections 3311.77, 3319.08, and 3319.09 of the 42496
Revised Code. 42497

A board of education or governing board may reemploy an 42498
assistant superintendent, principal, assistant principal, or 42499
other administrator at any regular or special meeting held 42500
during the period beginning on the first day of January of the 42501
calendar year immediately preceding the year of expiration of 42502
the employment contract and ending on the first day of June of 42503
the year the employment contract expires. 42504

Except by mutual agreement of the parties thereto, no 42505
assistant superintendent, principal, assistant principal, or 42506
other administrator shall be transferred during the life of a 42507
contract to a position of lesser responsibility. No contract may 42508
be terminated by a board except pursuant to section 3319.16 of 42509

the Revised Code. No contract may be suspended except pursuant 42510
to section 3319.17 or 3319.171 of the Revised Code. The salaries 42511
and compensation prescribed by such contracts shall not be 42512
reduced by a board unless such reduction is a part of a uniform 42513
plan affecting the entire district or center. The contract shall 42514
specify the employee's administrative position and duties as 42515
included in the job description adopted under division (D) of 42516
this section, the salary and other compensation to be paid for 42517
performance of duties, the number of days to be worked, the 42518
number of days of vacation leave, if any, and any paid holidays 42519
in the contractual year. 42520

An assistant superintendent, principal, assistant 42521
principal, or other administrator is, at the expiration of the 42522
current term of employment, deemed reemployed at the same salary 42523
plus any increments that may be authorized by the board, unless 42524
such employee notifies the board in writing to the contrary on 42525
or before the fifteenth day of June, or unless such board, on or 42526
before the first day of June of the year in which the contract 42527
of employment expires, either reemploys such employee for a 42528
succeeding term or gives written notice of its intention not to 42529
reemploy the employee. The term of reemployment of a person 42530
reemployed under this paragraph shall be one year, except that 42531
if such person has been employed by the school district or 42532
service center as an assistant superintendent, principal, 42533
assistant principal, or other administrator for three years or 42534
more, the term of reemployment shall be two years. 42535

(D) (1) Each board shall adopt procedures for the 42536
evaluation of all assistant superintendents, principals, 42537
assistant principals, and other administrators and shall 42538
evaluate such employees in accordance with those procedures. The 42539
procedures for the evaluation of principals and assistant 42540

principals shall be based on principles comparable to the 42541
teacher evaluation policy adopted by the board under section 42542
3319.111 of the Revised Code, but shall be tailored to the 42543
duties and responsibilities of principals and assistant 42544
principals and the environment in which they work. An evaluation 42545
based upon procedures adopted under this division shall be 42546
considered by the board in deciding whether to renew the 42547
contract of employment of an assistant superintendent, 42548
principal, assistant principal, or other administrator. 42549

(2) The evaluation shall measure each assistant 42550
superintendent's, principal's, assistant principal's, and other 42551
administrator's effectiveness in performing the duties included 42552
in the job description and the evaluation procedures shall 42553
provide for, but not be limited to, the following: 42554

(a) Each assistant superintendent, principal, assistant 42555
principal, and other administrator shall be evaluated annually 42556
through a written evaluation process. 42557

(b) The evaluation shall be conducted by the 42558
superintendent or designee. 42559

(c) In order to provide time to show progress in 42560
correcting the deficiencies identified in the evaluation 42561
process, the evaluation process shall be completed as follows: 42562

(i) In any school year that the employee's contract of 42563
employment is not due to expire, at least one evaluation shall 42564
be completed in that year. A written copy of the evaluation 42565
shall be provided to the employee no later than the end of the 42566
employee's contract year as defined by the employee's annual 42567
salary notice. 42568

(ii) In any school year that the employee's contract of 42569

employment is due to expire, at least a preliminary evaluation 42570
and at least a final evaluation shall be completed in that year. 42571
A written copy of the preliminary evaluation shall be provided 42572
to the employee at least sixty days prior to any action by the 42573
board on the employee's contract of employment. The final 42574
evaluation shall indicate the superintendent's intended 42575
recommendation to the board regarding a contract of employment 42576
for the employee. A written copy of the evaluation shall be 42577
provided to the employee at least five days prior to the board's 42578
acting to renew or not renew the contract. 42579

(3) Termination of an assistant superintendent, principal, 42580
assistant principal, or other administrator's contract shall be 42581
pursuant to section 3319.16 of the Revised Code. Suspension of 42582
any such employee shall be pursuant to section 3319.17 or 42583
3319.171 of the Revised Code. 42584

(4) Before taking action to renew or nonrenew the contract 42585
of an assistant superintendent, principal, assistant principal, 42586
or other administrator under this section and prior to the first 42587
day of June of the year in which such employee's contract 42588
expires, the board shall notify each such employee of the date 42589
that the contract expires and that the employee may request a 42590
meeting with the board. Upon request by such an employee, the 42591
board shall grant the employee a meeting in executive session. 42592
In that meeting, the board shall discuss its reasons for 42593
considering renewal or nonrenewal of the contract. The employee 42594
shall be permitted to have a representative, chosen by the 42595
employee, present at the meeting. 42596

(5) The establishment of an evaluation procedure shall not 42597
create an expectancy of continued employment. Nothing in 42598
division (D) of this section shall prevent a board from making 42599

the final determination regarding the renewal or nonrenewal of 42600
the contract of any assistant superintendent, principal, 42601
assistant principal, or other administrator. However, if a board 42602
fails to provide evaluations pursuant to division (D) (2) (c) (i) 42603
or (ii) of this section, or if the board fails to provide at the 42604
request of the employee a meeting as prescribed in division (D) 42605
(4) of this section, the employee automatically shall be 42606
reemployed at the same salary plus any increments that may be 42607
authorized by the board for a period of one year, except that if 42608
the employee has been employed by the district or service center 42609
as an assistant superintendent, principal, assistant principal, 42610
or other administrator for three years or more, the period of 42611
reemployment shall be for two years. 42612

(E) On nomination of the superintendent of a service 42613
center a governing board may employ supervisors who shall be 42614
employed under written contracts of employment for terms not to 42615
exceed five years each. Such contracts may be terminated by a 42616
governing board pursuant to section 3319.16 of the Revised Code. 42617
Any supervisor employed pursuant to this division may terminate 42618
the contract of employment at the end of any school year after 42619
giving the board at least thirty days' written notice prior to 42620
such termination. On the recommendation of the superintendent 42621
the contract or contracts of any supervisor employed pursuant to 42622
this division may be suspended for the remainder of the term of 42623
any such contract pursuant to section 3319.17 or 3319.171 of the 42624
Revised Code. 42625

(F) A board may establish vacation leave for any 42626
individuals employed under this section. Upon such an 42627
individual's separation from employment, a board that has such 42628
leave may compensate such an individual at the individual's 42629
current rate of pay for all lawfully accrued and unused vacation 42630

leave credited at the time of separation, not to exceed the 42631
amount accrued within three years before the date of separation. 42632
In case of the death of an individual employed under this 42633
section, such unused vacation leave as the board would have paid 42634
to the individual upon separation under this section shall be 42635
paid in accordance with section 2113.04 of the Revised Code, or 42636
to the estate. 42637

(G) The board of education of any school district may 42638
contract with the governing board of the educational service 42639
center from which it otherwise receives services to conduct 42640
searches and recruitment of candidates for assistant 42641
superintendent, principal, assistant principal, and other 42642
administrator positions authorized under this section. 42643

Sec. 3319.073. (A) The board of education of each city and 42644
exempted village school district and the governing board of each 42645
educational service center shall adopt or adapt the curriculum 42646
developed by the department of education and workforce for, or 42647
shall develop in consultation with public or private agencies or 42648
persons involved in child abuse prevention or intervention 42649
programs, a program of in-service training in the prevention of 42650
child abuse, violence, and substance abuse and the promotion of 42651
positive youth development. Each person employed by any school 42652
district or service center to work in a school as a nurse, 42653
teacher, counselor, school psychologist, or administrator shall 42654
complete at least four hours of the in-service training within 42655
two years of commencing employment with the district or center, 42656
and every five years thereafter. A person who is employed by any 42657
school district or service center to work in an elementary 42658
school as a nurse, teacher, counselor, school psychologist, or 42659
administrator on March 30, 2007, shall complete at least four 42660
hours of the in-service training not later than March 30, 2009, 42661

and every five years thereafter. A person who is employed by any 42662
school district or service center to work in a middle or high 42663
school as a nurse, teacher, counselor, school psychologist, or 42664
administrator on October 16, 2009, shall complete at least four 42665
hours of the in-service training not later than October 16, 42666
2011, and every five years thereafter. 42667

(B) Each board shall incorporate training in school safety 42668
and violence prevention, including human trafficking content, 42669
into the in-service training required by division (A) of this 42670
section. For this purpose, the board shall adopt or adapt the 42671
curriculum developed by the department or shall develop its own 42672
curriculum in consultation with public or private agencies or 42673
persons involved in school safety and violence prevention 42674
programs. 42675

(C) Each board shall incorporate training on the board's 42676
harassment, intimidation, or bullying policy adopted under 42677
section 3313.666 of the Revised Code into the in-service 42678
training required by division (A) of this section. Each board 42679
also shall incorporate training in the prevention of dating 42680
violence into the in-service training required by that division 42681
for middle and high school employees. The board shall develop 42682
its own curricula for these purposes. 42683

(D) Each board shall incorporate training in youth suicide 42684
awareness and prevention into the in-service training required 42685
by division (A) of this section for each person employed by a 42686
school district or service center to work in a school as a 42687
nurse, teacher, counselor, school psychologist, or 42688
administrator, and any other personnel that the board determines 42689
appropriate. The board shall require each such person to undergo 42690
training in youth suicide awareness and prevention programs once 42691

every two years. For this purpose, the board shall adopt or 42692
adapt the curriculum developed by the department under section 42693
3301.221 of the Revised Code or shall develop its own curriculum 42694
in consultation with public or private agencies or persons 42695
involved in youth suicide awareness and prevention programs. 42696

The training completed under this division shall count 42697
toward the satisfaction of requirements for professional 42698
development required by the school district or service center 42699
board, and the training may be accomplished through self-review 42700
of suitable suicide prevention materials approved by the board. 42701

(E) Each board shall incorporate training on child sexual 42702
abuse into the in-service training required by division (A) of 42703
this section. The training completed under this division shall 42704
count toward the satisfaction of requirements for professional 42705
development required by the school district or service center 42706
board. Any training provided under this section shall be 42707
presented by either of the following who have experience in 42708
handling cases involving child sexual abuse or child sexual 42709
violence: 42710

(1) Law enforcement officers; 42711

(2) Prosecutors. 42712

Sec. 3319.074. (A) As used in this section: 42713

(1) "Core subject area" means reading and English language 42714
arts, mathematics, science, social studies, foreign language, 42715
and fine arts. 42716

(2) "Properly certified or licensed teacher" means a 42717
classroom teacher who has successfully completed all 42718
requirements for certification or licensure under this chapter 42719
applicable to the subject areas and grade levels in which the 42720

teacher provides instruction and the students to whom the 42721
teacher provides the instruction. 42722

(3) "Properly certified paraprofessional" means a 42723
paraprofessional who holds an educational aide permit issued 42724
under section 3319.088 of the Revised Code and satisfies at 42725
least one of the following conditions: 42726

(a) Has a designation of "ESEA qualified" on the 42727
educational aide permit; 42728

(b) Has successfully completed at least two years of 42729
coursework at an accredited institution of higher education; 42730

(c) Holds an associate degree or higher from an accredited 42731
institution of higher education; 42732

(d) Meets a rigorous standard of quality as demonstrated 42733
by attainment of a qualifying score on an academic assessment 42734
specified by the department of education and workforce. 42735

(B) Beginning July 1, 2019, no city, exempted village, 42736
local, joint vocational, or cooperative education school 42737
district shall do either of the following: 42738

(1) Employ any classroom teacher to provide instruction in 42739
a core subject area to any student, unless such teacher is a 42740
properly certified or licensed teacher; 42741

(2) Employ any paraprofessional in a program supported 42742
with funds received under Title I of the "Elementary and 42743
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq., to 42744
provide academic support in a core subject area to any student, 42745
unless such paraprofessional is a properly certified 42746
paraprofessional. 42747

(C) At the start of each school year, each school district 42748

shall notify the parent or guardian of each student enrolled in 42749
the district that the parent or guardian may request information 42750
on the professional qualifications of each classroom teacher who 42751
provides instruction to the student. The district shall provide 42752
the information on each applicable teacher in a timely manner to 42753
any parent or guardian who requests it. Such information shall 42754
include at least the following: 42755

(1) Whether the teacher has satisfied all requirements for 42756
certification or licensure under this chapter applicable to the 42757
subject areas and grade levels in which the teacher provides 42758
instruction and the students to whom the teacher provides the 42759
instruction, or whether the teacher provides instruction under a 42760
waiver of any such requirements; 42761

(2) Whether a paraprofessional provides any services to 42762
the student and, if so, the qualifications of the 42763
paraprofessional. 42764

Sec. 3319.077. (A) As used in this section: 42765

(1) "Dyslexia" has the same meaning as in section 3323.25 42766
of the Revised Code. 42767

(2) "Ohio dyslexia committee" means the committee 42768
established under section 3325.25 of the Revised Code. 42769

(3) "Special education" has the same meaning as in section 42770
3323.01 of the Revised Code. 42771

(4) "Teacher" does not include any teacher who provides 42772
instruction in fine arts, music, or physical education. 42773

(B) (1) The department of education and workforce, in 42774
collaboration with the Ohio dyslexia committee, shall maintain a 42775
list of training that fulfills the professional development 42776

requirements prescribed in division (C) of this section. The 42777
list may consist of online or classroom learning models. 42778

(2) Each approved training shall align with the guidebook 42779
developed under section 3323.25 of the Revised Code, be 42780
evidence-based, and require instruction and training for 42781
identifying characteristics of dyslexia and understanding the 42782
pedagogy for instructing students with dyslexia. 42783

(3) The Ohio dyslexia committee shall prescribe a total 42784
number of clock hours of instruction in training approved under 42785
this section for a teacher to complete to satisfy the 42786
professional development requirements prescribed in division (C) 42787
of this section. The Ohio dyslexia committee shall prescribe a 42788
total number of clock hours that is not less than six clock 42789
hours and not more than eighteen clock hours. 42790

(C) (1) Not later than the beginning of the 2023-2024 42791
school year, each teacher employed by a local, city, or exempted 42792
village school district who provides instruction for students in 42793
kindergarten and first grade, including those providing special 42794
education instruction, shall complete the number of 42795
instructional hours in approved professional development 42796
training required by the committee under this section. 42797

(2) Not later than the beginning of the 2024-2025 school 42798
year, each teacher employed by a school district who provides 42799
instruction for students in grades two and three, including 42800
those providing special education instruction, shall complete 42801
the number of instructional hours in approved professional 42802
development training required by the committee under this 42803
section. 42804

(3) Not later than the beginning of the 2025-2026 school 42805

year, each teacher employed by a school district who provides 42806
special education instruction for students in grades four 42807
through twelve shall complete a professional development 42808
training approved under division (B) of this section. 42809

(D) Any professional development training completed by a 42810
teacher prior to April 12, 2021, that is then included on the 42811
list of training approved under division (B)(1) of this section 42812
shall count toward the number of instructional hours in approved 42813
professional development training required under division (C) of 42814
this section. 42815

(E) Nothing in this section shall prohibit a school 42816
district from requiring employees who are not subject to this 42817
section from completing professional development training 42818
approved under division (B) of this section. 42819

Sec. 3319.111. Notwithstanding section 3319.09 of the 42820
Revised Code, this section applies to any person who is employed 42821
under a teacher license issued under this chapter, or under a 42822
professional or permanent teacher's certificate issued under 42823
former section 3319.222 of the Revised Code, and who spends at 42824
least fifty per cent of the time employed providing student 42825
instruction. However, this section does not apply to any person 42826
who is employed as a substitute teacher or as an instructor of 42827
adult education. 42828

(A) ~~Not later than July 1, 2020, the~~ The board of 42829
education of each school district, in consultation with teachers 42830
employed by the board, shall update its standards-based teacher 42831
evaluation policy to conform with the framework for evaluation 42832
of teachers adopted under section 3319.112 of the Revised Code. 42833
The policy shall become operative at the expiration of any 42834
collective bargaining agreement covering teachers employed by 42835

the board that is in effect on ~~the effective date of this~~ 42836
~~amendment~~ November 2, 2018, and shall be included in any renewal 42837
or extension of such an agreement. 42838

(B) When using measures of student performance as evidence 42839
in a teacher's evaluation, those measures shall be high-quality 42840
student data. The board of education of each school district may 42841
use data from the assessments on the list developed under 42842
division (B) (2) of section 3319.112 of the Revised Code as high- 42843
quality student data. 42844

(C) (1) The board shall conduct an evaluation of each 42845
teacher employed by the board at least once each school year, 42846
except as provided in division (C) (2) of this section. The 42847
evaluation shall be completed by the first day of May and the 42848
teacher shall receive a written report of the results of the 42849
evaluation by the tenth day of May. 42850

(2) (a) The board may evaluate each teacher who received a 42851
rating of accomplished on the teacher's most recent evaluation 42852
conducted under this section once every three school years, so 42853
long as the teacher submits a self-directed professional growth 42854
plan to the evaluator that focuses on specific areas identified 42855
in the observations and evaluation and the evaluator determines 42856
that the teacher is making progress on that plan. 42857

(b) The board may evaluate each teacher who received a 42858
rating of skilled on the teacher's most recent evaluation 42859
conducted under this section once every two years, so long as 42860
the teacher and evaluator jointly develop a professional growth 42861
plan for the teacher that focuses on specific areas identified 42862
in the observations and evaluation and the evaluator determines 42863
that the teacher is making progress on that plan. 42864

(c) For each teacher who is evaluated pursuant to division 42865
(C) (2) of this section, the evaluation shall be completed by the 42866
first day of May of the applicable school year, and the teacher 42867
shall receive a written report of the results of the evaluation 42868
by the tenth day of May of that school year. 42869

(d) The board may elect not to conduct an evaluation of a 42870
teacher who meets one of the following requirements: 42871

(i) The teacher was on leave from the school district for 42872
fifty per cent or more of the school year, as calculated by the 42873
board. 42874

(ii) The teacher has submitted notice of retirement and 42875
that notice has been accepted by the board not later than the 42876
first day of December of the school year in which the evaluation 42877
is otherwise scheduled to be conducted. 42878

(e) The board may elect not to conduct an evaluation of a 42879
teacher who is participating in the teacher residency program 42880
established under section 3319.223 of the Revised Code for the 42881
year during which that teacher takes, for the first time, at 42882
least half of the performance-based assessment prescribed by the 42883
state board of education for resident educators. 42884

(3) In any year that a teacher is not formally evaluated 42885
pursuant to division (C) of this section as a result of 42886
receiving a rating of accomplished or skilled on the teacher's 42887
most recent evaluation, an individual qualified to evaluate a 42888
teacher under division (D) of this section shall conduct at 42889
least one observation of the teacher and hold at least one 42890
conference with the teacher. The conference shall include a 42891
discussion of progress on the teacher's professional growth 42892
plan. 42893

(D) Each evaluation conducted pursuant to this section 42894
shall be conducted by one or more of the following persons who 42895
hold a credential established by the ~~department~~ state board of 42896
education for being an evaluator: 42897

(1) A person who is under contract with the board pursuant 42898
to section 3319.01 or 3319.02 of the Revised Code and holds a 42899
license designated for being a superintendent, assistant 42900
superintendent, or principal issued under section 3319.22 of the 42901
Revised Code; 42902

(2) A person who is under contract with the board pursuant 42903
to section 3319.02 of the Revised Code and holds a license 42904
designated for being a vocational director, administrative 42905
specialist, or supervisor in any educational area issued under 42906
section 3319.22 of the Revised Code; 42907

(3) A person designated to conduct evaluations under an 42908
agreement entered into by the board, including an agreement 42909
providing for peer review entered into by the board and 42910
representatives of teachers employed by the board; 42911

(4) A person who is employed by an entity contracted by 42912
the board to conduct evaluations and who holds a license 42913
designated for being a superintendent, assistant superintendent, 42914
principal, vocational director, administrative specialist, or 42915
supervisor in any educational area issued under section 3319.22 42916
of the Revised Code or is qualified to conduct evaluations. 42917

(E) Notwithstanding division (A) (3) of section 3319.112 of 42918
the Revised Code, the board shall require at least three formal 42919
observations of each teacher who is under consideration for 42920
nonrenewal and with whom the board has entered into a limited 42921
contract or an extended limited contract under section 3319.11 42922

of the Revised Code. 42923

(F) The board shall include in its evaluation policy 42924
procedures for using the evaluation results for retention and 42925
promotion decisions and for removal of poorly performing 42926
teachers. Seniority shall not be the basis for a decision to 42927
retain a teacher, except when making a decision between teachers 42928
who have comparable evaluations. 42929

(G) For purposes of section 3333.0411 of the Revised Code, 42930
the board annually shall report to the ~~department of education~~ 42931
state board the number of teachers for whom an evaluation was 42932
conducted under this section and the number of teachers assigned 42933
each rating prescribed under division (B) (1) of section 3319.112 42934
of the Revised Code, aggregated by the teacher preparation 42935
programs from which and the years in which the teachers 42936
graduated. The ~~department~~ state board shall establish guidelines 42937
for reporting the information required by this division. The 42938
guidelines shall not permit or require that the name of, or any 42939
other personally identifiable information about, any teacher be 42940
reported under this division. 42941

(H) Notwithstanding any provision to the contrary in 42942
Chapter 4117. of the Revised Code, the requirements of this 42943
section prevail over any conflicting provisions of a collective 42944
bargaining agreement entered into on or after ~~the effective date~~ 42945
~~of this amendment~~ November 2, 2018. 42946

Sec. 3319.112. (A) The state board of education shall 42947
revise the standards-based state framework for the evaluation of 42948
teachers based on the recommendations of the educator standards 42949
board established under section 3319.60 of the Revised Code. The 42950
state board shall hold at least one public hearing on the 42951
revised framework and shall make the full text of the revised 42952

framework available at each hearing it holds on the revised 42953
framework. ~~Not later than May 1, 2020, the~~ The state board shall 42954
adopt the revised framework. The state board may update the 42955
framework periodically by adoption of a resolution. The 42956
framework shall establish an evaluation system that does the 42957
following: 42958

(1) Provides for multiple evaluation factors; 42959

(2) Is aligned with the standards for teachers adopted 42960
under section 3319.61 of the Revised Code; 42961

(3) Requires observation of the teacher being evaluated, 42962
including at least two formal observations by the evaluator of 42963
at least thirty minutes each and classroom walk-throughs; 42964

(4) Assigns a rating on each evaluation in accordance with 42965
division (B) of this section; 42966

(5) Requires each teacher to be provided with a written 42967
report of the results of the teacher's evaluation; 42968

(6) Uses at least two measures of high-quality student 42969
data to provide evidence of student learning attributable to the 42970
teacher being evaluated. The state board shall define "high- 42971
quality student data" for this purpose. When applicable to the 42972
grade level or subject area taught by a teacher, high-quality 42973
student data shall include the value-added progress dimension 42974
established under section 3302.021 of the Revised Code, but the 42975
teacher or evaluator shall use at least one other measure of 42976
high-quality student data to demonstrate student learning. In 42977
accordance with the guidance described in division (D)(3) of 42978
this section, high-quality student data may be used as evidence 42979
in any component of the evaluation related to the following: 42980

(a) Knowledge of the students to whom the teacher provides 42981

instruction;	42982
(b) The teacher's use of differentiated instructional practices based on the needs or abilities of individual students;	42983 42984 42985
(c) Assessment of student learning;	42986
(d) The teacher's use of assessment data;	42987
(e) Professional responsibility and growth.	42988
(7) Prohibits the shared attribution of student performance data among all teachers in a district, building, grade, content area, or other group;	42989 42990 42991
(8) Includes development of a professional growth plan or improvement plan for the teacher that is based on the results of the evaluation and is aligned to any school district or building improvement plan required for the teacher's district or building under the "Elementary and Secondary Education Act of 1965," as amended by the "Every Student Succeeds Act of 2015," Pub. L. No. 114-95, 20 U.S.C. 6301 et seq.;	42992 42993 42994 42995 42996 42997 42998
(9) Provides for professional development to accelerate and continue teacher growth and provide support to poorly performing teachers;	42999 43000 43001
(10) Provides for the allocation of financial resources to support professional development;	43002 43003
(11) Prohibits the use of student learning objectives.	43004
(B) For purposes of the framework adopted under this section, the state board also shall do the following:	43005 43006
(1) Revise, as necessary, specific standards and criteria that distinguish between the following levels of performance for	43007 43008

teachers and principals for the purpose of assigning ratings on	43009
the evaluations conducted under sections 3311.80, 3311.84,	43010
3319.02, and 3319.111 of the Revised Code:	43011
(a) Accomplished;	43012
(b) Skilled;	43013
(c) Developing;	43014
(d) Ineffective.	43015
(2) Develop a list of student assessments that measure	43016
mastery of the course content for the appropriate grade level,	43017
which may include nationally normed standardized assessments,	43018
industry certification examinations, or end-of-course	43019
examinations. The data from these assessments may be considered	43020
high-quality student data.	43021
(C) The state board shall consult with experts, teachers	43022
and principals employed in public schools, the educator	43023
standards board, and representatives of stakeholder groups in	43024
revising the standards and criteria required by division (B) (1)	43025
of this section.	43026
(D) To assist school districts in developing evaluation	43027
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111	43028
of the Revised Code, the department <u>state board</u> shall do all of	43029
the following:	43030
(1) Serve as a clearinghouse of promising evaluation	43031
procedures and evaluation models that districts may use;	43032
(2) Provide technical assistance to districts in creating	43033
evaluation policies;	43034
(3) Provide guidance to districts on how high-quality	43035

student data may be used as evidence of student learning 43036
attributable to a particular teacher, including examples of 43037
appropriate use of that data within the framework adopted under 43038
this section; 43039

(4) Provide guidance to districts on how information from 43040
student surveys, student portfolios, peer review evaluations, 43041
teacher self-evaluations, and other components determined 43042
appropriate by the district may be used as part of the 43043
evaluation process. 43044

(E) Not later than July 1, 2020, the state board, in 43045
consultation with state agencies that employ teachers, shall 43046
update its standards-based framework for the evaluation of 43047
teachers employed by those agencies. Each state agency that 43048
employs teachers shall adopt a standards-based teacher 43049
evaluation policy to conform with the framework. The policy 43050
shall become operative at the expiration of any collective 43051
bargaining agreement covering teachers employed by the agency 43052
that is in effect ~~on the effective date of this amendment~~ 43053
November 2, 2018, and shall be included in any renewal or 43054
extension of such an agreement. However, this division does not 43055
apply to any person who is employed as a substitute teacher or 43056
as an instructor of adult education. 43057

Sec. 3319.113. (A) ~~Not later than May 31, 2016, the~~ The 43058
state board of education shall develop a standards-based state 43059
framework for the evaluation of school counselors. The state 43060
board may update the framework periodically by adoption of a 43061
resolution. The framework shall establish an evaluation system 43062
that does the following: 43063

(1) Requires school counselors to demonstrate their 43064
ability to produce positive student outcomes using metrics, 43065

including those from the school or school district's report card	43066
issued under section 3302.03 of the Revised Code when	43067
appropriate;	43068
(2) Is aligned with the standards for school counselors	43069
adopted under section 3319.61 of the Revised Code and requires	43070
school counselors to demonstrate their ability in all the areas	43071
identified by those standards;	43072
(3) Requires that all school counselors be evaluated	43073
annually, except as otherwise appropriate for high-performing	43074
school counselors or as specified in division (D) of this	43075
section;	43076
(4) Assigns a rating on each evaluation in accordance with	43077
division (B) of this section;	43078
(5) Designates the personnel that may conduct evaluations	43079
of school counselors in accordance with this framework;	43080
(6) Requires that each school counselor be provided with a	43081
written report of the results of that school counselor's	43082
evaluation;	43083
(7) Provides for professional development to accelerate	43084
and continue school counselor growth and provide support to	43085
poorly performing school counselors.	43086
(B) (1) The state board shall develop specific standards	43087
and criteria that distinguish between the following levels of	43088
performance for school counselors for the purposes of assigning	43089
ratings on the evaluations conducted under this section:	43090
(a) Accomplished;	43091
(b) Skilled;	43092

(c) Developing;	43093
(d) Ineffective.	43094
(2) The state board shall consult with experts, school counselors and principals employed in public schools, and representatives of stakeholder groups in developing the standards and criteria required by division (B) (1) of this section.	43095 43096 43097 43098 43099
(C) (1) Not later than September 30, 2016, each school district board of education shall adopt a standards-based school counselor evaluation policy that conforms with the framework for the evaluation of school counselors developed under this section. The policy shall become operative at the expiration of any collective bargaining agreement covering school counselors employed by the board that is in effect on September 29, 2015, and shall be included in any renewal or extension of such an agreement.	43100 43101 43102 43103 43104 43105 43106 43107 43108
(2) A district board shall include both of the following in its evaluation policy:	43109 43110
(a) The implementation of the framework for the evaluation of school counselors developed under this section beginning in the 2016-2017 school year;	43111 43112 43113
(b) Procedures for using the evaluation results, beginning in the 2017-2018 school year, for both of the following:	43114 43115
(i) Decisions regarding retention and promotion of school counselors;	43116 43117
(ii) Removal of poorly performing school counselors.	43118
(D) Beginning with the 2017-2018 school year, a district board may elect not to conduct an evaluation of a school	43119 43120

counselor who meets one of the following requirements: 43121

(1) The school counselor was on leave from the school 43122
district for fifty per cent or more of the school year, as 43123
calculated by the board. 43124

(2) The school counselor has submitted notice of 43125
retirement and that notice has been accepted by the board not 43126
later than the first day of December of the school year in which 43127
the evaluation is otherwise scheduled to be conducted. 43128

(E) Each district board shall annually submit a report to 43129
~~the department of education~~ state board, in a form and manner 43130
prescribed by the ~~department~~ state board, regarding its 43131
implementation of division (C) of this section. At no time shall 43132
the ~~department~~ state board permit or require that the name or 43133
personally identifiable information of any school counselor be 43134
reported to the ~~department~~ state board under this division. 43135

(F) Notwithstanding any provision to the contrary in 43136
Chapter 4117. of the Revised Code, the requirements of this 43137
section prevail over any conflicting provision of a collective 43138
bargaining agreement entered into on or after September 29, 43139
2015. 43140

Sec. 3319.143. Notwithstanding section 3319.141 of the 43141
Revised Code, the board of education of a city, exempted 43142
village, local or joint vocational school district may adopt a 43143
policy of assault leave by which an employee who is absent due 43144
to physical disability resulting from an assault which occurs in 43145
the course of board employment will be maintained on full pay 43146
status during the period of such absence. A board of education 43147
electing to effect such a policy of assault leave shall 43148
establish rules for the entitlement, crediting, and use of 43149

assault leave and file a copy of same with the ~~state board-~~ 43150
department of education and workforce. A board of education 43151
adopting this policy shall require an employee to furnish a 43152
signed statement on forms prescribed by such board to justify 43153
the use of assault leave. If medical attention is required, a 43154
certificate from a licensed physician stating the nature of the 43155
disability and its duration shall be required before assault 43156
leave can be approved for payment. Falsification of either a 43157
signed statement or a physician's certificate is ground for 43158
suspension or termination of employment under section 3311.82 or 43159
3319.16 of the Revised Code. 43160

Assault leave granted under rules adopted by a board of 43161
education pursuant to this section shall not be charged against 43162
sick leave earned or earnable under section 3319.141 of the 43163
Revised Code or leave granted under rules adopted by a board of 43164
education pursuant to section 3311.77 or 3319.08 of the Revised 43165
Code. This section shall be uniformly administered in those 43166
districts where such policy is adopted. 43167

Sec. 3319.151. (A) As used in this section, "assessment" 43168
means an assessment administered under section 3301.0711 of the 43169
Revised Code. 43170

(B) No person shall do any of the following: 43171

(1) Reveal to any student any specific question that the 43172
person knows is part of an assessment or in any other way assist 43173
a pupil to cheat on an assessment; 43174

(2) Obtain prior knowledge of the contents of an 43175
assessment; 43176

(3) Use prior knowledge of the contents of an assessment 43177
to assist students in preparing for the assessment; 43178

(4) Fail to comply with any rule adopted by the department 43179
of education and workforce regarding security protocols for an 43180
assessment. 43181

(C) On a finding by the state board of education, after 43182
investigation, that a school employee who holds a license, as 43183
defined in section 3319.31 of the Revised Code, has violated 43184
division (B) of this section, the state board shall take any 43185
action against the employee under section 3319.31 of the Revised 43186
Code that it considers appropriate, based on the nature and 43187
extent of the violation. The state board shall give the employee 43188
notice of the allegation upon commencing an investigation and 43189
shall give the employee an opportunity to respond prior to 43190
taking any disciplinary action. 43191

(D) (1) Violation of division (B) of this section is 43192
grounds for termination of employment of a nonteaching employee 43193
under division (C) of section 3319.081 or section 124.34 of the 43194
Revised Code. 43195

(2) Violation of division (B) of this section is grounds 43196
for termination of a teacher contract under section 3311.82 or 43197
3319.16 of the Revised Code. 43198

Sec. 3319.16. The contract of any teacher employed by the 43199
board of education of any city, exempted village, local, county, 43200
or joint vocational school district may not be terminated except 43201
for good and just cause. Notwithstanding any provision to the 43202
contrary in Chapter 4117. of the Revised Code, the provisions of 43203
this section relating to the grounds for termination of the 43204
contract of a teacher prevail over any conflicting provisions of 43205
a collective bargaining agreement entered into after ~~the~~ 43206
~~effective date of this amendment~~ October 16, 2009. 43207

Before terminating any contract, the employing board shall 43208
furnish the teacher a written notice signed by its treasurer of 43209
its intention to consider the termination of the teacher's 43210
contract with full specification of the grounds for such 43211
consideration. The board shall not proceed with formal action to 43212
terminate the contract until after the tenth day after receipt 43213
of the notice by the teacher. Within ten days after receipt of 43214
the notice from the treasurer of the board, the teacher may file 43215
with the treasurer a written demand for a hearing before the 43216
board or before a referee, and the board shall set a time for 43217
the hearing which shall be within thirty days from the date of 43218
receipt of the written demand, and the treasurer shall give the 43219
teacher at least twenty days' notice in writing of the time and 43220
place of the hearing. If a referee is demanded by either the 43221
teacher or board, the treasurer also shall give twenty days' 43222
notice to the ~~superintendent of public instruction~~ department of 43223
education and workforce. No hearing shall be held during the 43224
summer vacation without the teacher's consent. The hearing shall 43225
be private unless the teacher requests a public hearing. The 43226
hearing shall be conducted by a referee appointed pursuant to 43227
section 3319.161 of the Revised Code, if demanded; otherwise, it 43228
shall be conducted by a majority of the members of the board and 43229
shall be confined to the grounds given for the termination. The 43230
board shall provide for a complete stenographic record of the 43231
proceedings, a copy of the record to be furnished to the 43232
teacher. The board may suspend a teacher pending final action to 43233
terminate the teacher's contract if, in its judgment, the 43234
character of the charges warrants such action. 43235

Both parties may be present at such hearing, be 43236
represented by counsel, require witnesses to be under oath, 43237
cross-examine witnesses, take a record of the proceedings, and 43238

require the presence of witnesses in their behalf upon subpoena 43239
to be issued by the treasurer of the board. In case of the 43240
failure of any person to comply with a subpoena, a judge of the 43241
court of common pleas of the county in which the person resides, 43242
upon application of any interested party, shall compel 43243
attendance of the person by attachment proceedings as for 43244
contempt. Any member of the board or the referee may administer 43245
oaths to witnesses. After a hearing by a referee, the referee 43246
shall file a report within ten days after the termination of the 43247
hearing. After consideration of the referee's report, the board, 43248
by a majority vote, may accept or reject the referee's 43249
recommendation on the termination of the teacher's contract. 43250
After a hearing by the board, the board, by majority vote, may 43251
enter its determination upon its minutes. Any order of 43252
termination of a contract shall state the grounds for 43253
termination. If the decision, after hearing, is against 43254
termination of the contract, the charges and the record of the 43255
hearing shall be physically expunged from the minutes, and, if 43256
the teacher has suffered any loss of salary by reason of being 43257
suspended, the teacher shall be paid the teacher's full salary 43258
for the period of such suspension. 43259

Any teacher affected by an order of termination of 43260
contract may appeal to the court of common pleas of the county 43261
in which the school is located within thirty days after receipt 43262
of notice of the entry of such order. The appeal shall be an 43263
original action in the court and shall be commenced by the 43264
filing of a complaint against the board, in which complaint the 43265
facts shall be alleged upon which the teacher relies for a 43266
reversal or modification of such order of termination of 43267
contract. Upon service or waiver of summons in that appeal, the 43268
board immediately shall transmit to the clerk of the court for 43269

filing a transcript of the original papers filed with the board, 43270
a certified copy of the minutes of the board into which the 43271
termination finding was entered, and a certified transcript of 43272
all evidence adduced at the hearing or hearings before the board 43273
or a certified transcript of all evidence adduced at the hearing 43274
or hearings before the referee, whereupon the cause shall be at 43275
issue without further pleading and shall be advanced and heard 43276
without delay. The court shall examine the transcript and record 43277
of the hearing and shall hold such additional hearings as it 43278
considers advisable, at which it may consider other evidence in 43279
addition to the transcript and record. 43280

Upon final hearing, the court shall grant or deny the 43281
relief prayed for in the complaint as may be proper in 43282
accordance with the evidence adduced in the hearing. Such an 43283
action is a special proceeding, and either the teacher or the 43284
board may appeal from the decision of the court of common pleas 43285
pursuant to the Rules of Appellate Procedure and, to the extent 43286
not in conflict with those rules, Chapter 2505. of the Revised 43287
Code. 43288

In any court action, the board may utilize the services of 43289
the prosecuting attorney, village solicitor, city director of 43290
law, or other chief legal officer of a municipal corporation as 43291
authorized by section 3313.35 of the Revised Code, or may employ 43292
other legal counsel. 43293

A violation of division (A) (7) of section 2907.03 of the 43294
Revised Code is grounds for termination of a teacher contract 43295
under this section. 43296

Sec. 3319.161. For the purpose of providing referees for 43297
the hearings required by section 3319.16 of the Revised Code, 43298
the ~~superintendent of public instruction~~ department of education 43299

and workforce shall compile a list of resident electors from 43300
names that the ~~superintendent~~ department shall solicit annually 43301
from the state bar association. 43302

Upon receipt of notice that a referee has been demanded by 43303
a teacher or by a board of education, the ~~superintendent of~~ 43304
~~public instruction~~ department shall immediately designate three 43305
persons from such list, from whom the referee to hear the matter 43306
shall be chosen, and the ~~superintendent~~ department shall 43307
immediately notify the designees, the teacher, and the board of 43308
the school district involved. If within five days of receipt of 43309
the notice, the teacher and board are unable to select a 43310
mutually agreeable designee to serve as referee, the 43311
~~superintendent of public instruction~~ department shall appoint 43312
one of the three designees to serve as referee. The appointment 43313
of the referee shall be entered in the minutes of the board. The 43314
referee appointed shall be paid the referee's usual and 43315
customary fee for attending the hearing which shall be paid from 43316
the school district general fund upon vouchers approved by the 43317
~~superintendent of public instruction~~ department and presented to 43318
the treasurer of the district. No referee shall be a member of, 43319
an employee of, or teacher employed by the board of education 43320
nor related to any such person by consanguinity or marriage. 43321

Sec. 3319.22. (A) (1) The state board of education shall 43322
issue the following educator licenses: 43323

(a) A resident educator license, which shall be valid for 43324
two years and shall be renewable for reasons specified by rules 43325
adopted by the state board pursuant to division (A) (3) of this 43326
section. The state board, on a case-by-case basis, may extend 43327
the license's duration as necessary to enable the license holder 43328
to complete the Ohio teacher residency program established under 43329

section 3319.223 of the Revised Code; 43330

(b) A professional educator license, which shall be valid 43331
for five years and shall be renewable; 43332

(c) A senior professional educator license, which shall be 43333
valid for five years and shall be renewable; 43334

(d) A lead professional educator license, which shall be 43335
valid for five years and shall be renewable. 43336

Licenses issued under division (A) (1) of this section on 43337
and after November 2, 2018, shall specify whether the educator 43338
is licensed to teach grades pre-kindergarten through five, 43339
grades four through nine, or grades seven through twelve. The 43340
changes to the grade band specifications under this amendment 43341
shall not apply to a person who holds a license under division 43342
(A) (1) of this section prior to November 2, 2018. Further, the 43343
changes to the grade band specifications under this amendment 43344
shall not apply to any license issued to teach in the area of 43345
computer information science, bilingual education, dance, drama 43346
or theater, world language, health, library or media, music, 43347
physical education, teaching English to speakers of other 43348
languages, career-technical education, or visual arts or to any 43349
license issued to an intervention specialist, including a gifted 43350
intervention specialist, or to any other license that does not 43351
align to the grade band specifications. 43352

(2) (a) Except as provided in division (A) (2) (b) of this 43353
section, the state board may issue any additional educator 43354
licenses of categories, types, and levels the board elects to 43355
provide. 43356

(b) Not later than December 31, 2024, the state board 43357
shall cease licensing school psychologists. The state board 43358

shall coordinate with the state board of psychology to 43359
transition to licensure under Chapter 4732. of the Revised Code 43360
any school psychologists licensed under rules adopted in 43361
accordance with sections 3301.07 and 3319.22 of the Revised 43362
Code. 43363

(3) The state board shall adopt rules establishing the 43364
standards and requirements for obtaining each educator license 43365
issued under this section. The rules shall also include the 43366
reasons for which a resident educator license may be renewed 43367
under division (A) (1) (a) of this section. 43368

(B) The rules adopted under this section shall require at 43369
least the following standards and qualifications for the 43370
educator licenses described in division (A) (1) of this section: 43371

(1) An applicant for a resident educator license shall 43372
hold at least a bachelor's degree from an accredited teacher 43373
preparation program or be a participant in the teach for America 43374
program and meet the qualifications required under section 43375
3319.227 of the Revised Code. 43376

(2) An applicant for a professional educator license 43377
shall: 43378

(a) Hold at least a bachelor's degree from an institution 43379
of higher education accredited by a regional accrediting 43380
organization; 43381

(b) Have successfully completed the Ohio teacher residency 43382
program established under section 3319.223 of the Revised Code, 43383
if the applicant's current or most recently issued license is a 43384
resident educator license issued under this section or an 43385
alternative resident educator license issued under section 43386
3319.26 of the Revised Code. 43387

(3) An applicant for a senior professional educator license shall:	43388 43389
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	43390 43391 43392
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	43393 43394 43395
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	43396 43397 43398 43399
(4) An applicant for a lead professional educator license shall:	43400 43401
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	43402 43403 43404
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	43405 43406 43407 43408
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	43409 43410 43411
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F) (4) or	43412 43413 43414 43415

(5) of section 3319.61 of the Revised Code. 43416

(C) The state board shall align the standards and 43417
qualifications for obtaining a principal license with the 43418
standards for principals adopted by the state board under 43419
section 3319.61 of the Revised Code. 43420

(D) If the state board requires any examinations for 43421
educator licensure, the ~~department of education~~ state board 43422
shall provide the results of such examinations received by the 43423
~~department~~ state board to the chancellor of higher education, in 43424
the manner and to the extent permitted by state and federal law. 43425

(E) Any rules the state board of education adopts, amends, 43426
or rescinds for educator licenses under this section, ~~division~~ 43427
~~(D) of section 3301.07 of the Revised Code,~~ or any other law 43428
shall be adopted, amended, or rescinded under Chapter 119. of 43429
the Revised Code except as follows: 43430

(1) Notwithstanding division (E) of section 119.03 and 43431
division (A)(1) of section 119.04 of the Revised Code, in the 43432
case of the adoption of any rule or the amendment or rescission 43433
of any rule that necessitates institutions' offering preparation 43434
programs for educators and other school personnel that are 43435
approved by the chancellor of higher education under section 43436
3333.048 of the Revised Code to revise the curriculum of those 43437
programs, the effective date shall not be as prescribed in 43438
division (E) of section 119.03 and division (A)(1) of section 43439
119.04 of the Revised Code. Instead, the effective date of such 43440
rules, or the amendment or rescission of such rules, shall be 43441
the date prescribed by section 3333.048 of the Revised Code. 43442

(2) Notwithstanding the authority to adopt, amend, or 43443
rescind emergency rules in division (G) of section 119.03 of the 43444

Revised Code, this authority shall not apply to the state board 43445
of education with regard to rules for educator licenses. 43446

(F) (1) The rules adopted under this section establishing 43447
standards requiring additional coursework for the renewal of any 43448
educator license shall require a school district and a chartered 43449
nonpublic school to establish local professional development 43450
committees. In a nonpublic school, the chief administrative 43451
officer shall establish the committees in any manner acceptable 43452
to such officer. The committees established under this division 43453
shall determine whether coursework that a district or chartered 43454
nonpublic school teacher proposes to complete meets the 43455
requirement of the rules. The ~~department of education state~~ 43456
board shall provide technical assistance and support to 43457
committees as the committees incorporate the professional 43458
development standards adopted ~~by the state board of education~~ 43459
pursuant to section 3319.61 of the Revised Code into their 43460
review of coursework that is appropriate for license renewal. 43461
The rules shall establish a procedure by which a teacher may 43462
appeal the decision of a local professional development 43463
committee. 43464

(2) In any school district in which there is no exclusive 43465
representative established under Chapter 4117. of the Revised 43466
Code, the professional development committees shall be 43467
established as described in division (F) (2) of this section. 43468

Not later than the effective date of the rules adopted 43469
under this section, the board of education of each school 43470
district shall establish the structure for one or more local 43471
professional development committees to be operated by such 43472
school district. The committee structure so established by a 43473
district board shall remain in effect unless within thirty days 43474

prior to an anniversary of the date upon which the current 43475
committee structure was established, the board provides notice 43476
to all affected district employees that the committee structure 43477
is to be modified. Professional development committees may have 43478
a district-level or building-level scope of operations, and may 43479
be established with regard to particular grade or age levels for 43480
which an educator license is designated. 43481

Each professional development committee shall consist of 43482
at least three classroom teachers employed by the district, one 43483
principal employed by the district, and one other employee of 43484
the district appointed by the district superintendent. For 43485
committees with a building-level scope, the teacher and 43486
principal members shall be assigned to that building, and the 43487
teacher members shall be elected by majority vote of the 43488
classroom teachers assigned to that building. For committees 43489
with a district-level scope, the teacher members shall be 43490
elected by majority vote of the classroom teachers of the 43491
district, and the principal member shall be elected by a 43492
majority vote of the principals of the district, unless there 43493
are two or fewer principals employed by the district, in which 43494
case the one or two principals employed shall serve on the 43495
committee. If a committee has a particular grade or age level 43496
scope, the teacher members shall be licensed to teach such grade 43497
or age levels, and shall be elected by majority vote of the 43498
classroom teachers holding such a license and the principal 43499
shall be elected by all principals serving in buildings where 43500
any such teachers serve. The district superintendent shall 43501
appoint a replacement to fill any vacancy that occurs on a 43502
professional development committee, except in the case of 43503
vacancies among the elected classroom teacher members, which 43504
shall be filled by vote of the remaining members of the 43505

committee so selected. 43506

Terms of office on professional development committees 43507
shall be prescribed by the district board establishing the 43508
committees. The conduct of elections for members of professional 43509
development committees shall be prescribed by the district board 43510
establishing the committees. A professional development 43511
committee may include additional members, except that the 43512
majority of members on each such committee shall be classroom 43513
teachers employed by the district. Any member appointed to fill 43514
a vacancy occurring prior to the expiration date of the term for 43515
which a predecessor was appointed shall hold office as a member 43516
for the remainder of that term. 43517

The initial meeting of any professional development 43518
committee, upon election and appointment of all committee 43519
members, shall be called by a member designated by the district 43520
superintendent. At this initial meeting, the committee shall 43521
select a chairperson and such other officers the committee deems 43522
necessary, and shall adopt rules for the conduct of its 43523
meetings. Thereafter, the committee shall meet at the call of 43524
the chairperson or upon the filing of a petition with the 43525
district superintendent signed by a majority of the committee 43526
members calling for the committee to meet. 43527

(3) In the case of a school district in which an exclusive 43528
representative has been established pursuant to Chapter 4117. of 43529
the Revised Code, professional development committees shall be 43530
established in accordance with any collective bargaining 43531
agreement in effect in the district that includes provisions for 43532
such committees. 43533

If the collective bargaining agreement does not specify a 43534
different method for the selection of teacher members of the 43535

committees, the exclusive representative of the district's 43536
teachers shall select the teacher members. 43537

If the collective bargaining agreement does not specify a 43538
different structure for the committees, the board of education 43539
of the school district shall establish the structure, including 43540
the number of committees and the number of teacher and 43541
administrative members on each committee; the specific 43542
administrative members to be part of each committee; whether the 43543
scope of the committees will be district levels, building 43544
levels, or by type of grade or age levels for which educator 43545
licenses are designated; the lengths of terms for members; the 43546
manner of filling vacancies on the committees; and the frequency 43547
and time and place of meetings. However, in all cases, except as 43548
provided in division (F) (4) of this section, there shall be a 43549
majority of teacher members of any professional development 43550
committee, there shall be at least five total members of any 43551
professional development committee, and the exclusive 43552
representative shall designate replacement members in the case 43553
of vacancies among teacher members, unless the collective 43554
bargaining agreement specifies a different method of selecting 43555
such replacements. 43556

(4) Whenever an administrator's coursework plan is being 43557
discussed or voted upon, the local professional development 43558
committee shall, at the request of one of its administrative 43559
members, cause a majority of the committee to consist of 43560
administrative members by reducing the number of teacher members 43561
voting on the plan. 43562

(G) (1) The department of education and workforce, 43563
educational service centers, county boards of developmental 43564
disabilities, college and university departments of education, 43565

head start programs, and the Ohio education computer network may 43566
establish local professional development committees to determine 43567
whether the coursework proposed by their employees who are 43568
licensed or certificated under this section or section 3319.222 43569
of the Revised Code, or under the former version of either 43570
section as it existed prior to October 16, 2009, meet the 43571
requirements of the rules adopted under this section. They may 43572
establish local professional development committees on their own 43573
or in collaboration with a school district or other agency 43574
having authority to establish them. 43575

Local professional development committees established by 43576
county boards of developmental disabilities shall be structured 43577
in a manner comparable to the structures prescribed for school 43578
districts in divisions (F) (2) and (3) of this section, as shall 43579
the committees established by any other entity specified in 43580
division (G) (1) of this section that provides educational 43581
services by employing or contracting for services of classroom 43582
teachers licensed or certificated under this section or section 43583
3319.222 of the Revised Code, or under the former version of 43584
either section as it existed prior to October 16, 2009. All 43585
other entities specified in division (G) (1) of this section 43586
shall structure their committees in accordance with guidelines 43587
which shall be issued by the ~~state board~~ department. 43588

(2) Educational service centers may establish local 43589
professional development committees to serve educators who are 43590
not employed in schools in this state, including pupil services 43591
personnel who are licensed under this section. Local 43592
professional development committees shall be structured in a 43593
manner comparable to the structures prescribed for school 43594
districts in divisions (F) (2) and (3) of this section. 43595

These committees may agree to review the coursework, 43596
continuing education units, or other equivalent activities 43597
related to classroom teaching or the area of licensure that is 43598
proposed by an individual who satisfies both of the following 43599
conditions: 43600

(a) The individual is licensed or certificated under this 43601
section or under the former version of this section as it 43602
existed prior to October 16, 2009. 43603

(b) The individual is not currently employed as an 43604
educator or is not currently employed by an entity that operates 43605
a local professional development committee under this section. 43606

Any committee that agrees to work with such an individual 43607
shall work to determine whether the proposed coursework, 43608
continuing education units, or other equivalent activities meet 43609
the requirements of the rules adopted by the state board under 43610
this section. 43611

(3) Any public agency that is not specified in division 43612
(G) (1) or (2) of this section but provides educational services 43613
and employs or contracts for services of classroom teachers 43614
licensed or certificated under this section or section 3319.222 43615
of the Revised Code, or under the former version of either 43616
section as it existed prior to October 16, 2009, may establish a 43617
local professional development committee, subject to the 43618
approval of the department of education and workforce. The 43619
committee shall be structured in accordance with guidelines 43620
issued by the ~~state board~~ department. 43621

(H) Not later than July 1, 2016, the state board, in 43622
accordance with Chapter 119. of the Revised Code, shall adopt 43623
rules pursuant to division (A) (3) of this section that do both 43624

of the following: 43625

(1) Exempt consistently high-performing teachers from the 43626
requirement to complete any additional coursework for the 43627
renewal of an educator license issued under this section or 43628
section 3319.26 of the Revised Code. The rules also shall 43629
specify that such teachers are exempt from any requirements 43630
prescribed by professional development committees established 43631
under divisions (F) and (G) of this section. 43632

(2) For purposes of division (H)(1) of this section, the 43633
state board shall define the term "consistently high-performing 43634
teacher." 43635

Sec. 3319.221. (A) The state board of education, the 43636
department of education and workforce, any city, local, exempted 43637
village, and joint vocational school district board of 43638
education, and any other public school, as defined in section 43639
3301.0711 of the Revised Code, shall not require a separate 43640
pupil services license issued by the state board as a credential 43641
for working in a public school, on either a permanent basis or a 43642
substitute or other temporary basis, for the following licensed 43643
professionals: 43644

(1) A speech-language pathologist who holds a currently 43645
valid license issued under Chapter 4753. of the Revised Code; 43646

(2) An audiologist who holds a currently valid license 43647
issued under Chapter 4753. of the Revised Code; 43648

(3) A registered nurse who holds a bachelor's degree and a 43649
currently valid license issued under Chapter 4723. of the 43650
Revised Code; 43651

(4) A physical therapist who holds a currently valid 43652
license issued under Chapter 4755. of the Revised Code; 43653

(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43654
43655

(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43656
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(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code; 43658
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(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code. 43661
43662

(B) A person employed by a school district or school for any of the occupations listed in divisions (A) (1) to (8) of this section shall be required to apply for and receive a registration from the ~~department~~ state board of education. The registration shall be valid for five years. As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the ~~department~~ state board, the individual shall submit the criminal records check to the ~~department~~ state board. The ~~department~~ state board shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code. 43663
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If the ~~department~~ state board receives notification of the arrest or conviction of an individual registered under division (B) of this section, the ~~department~~ state board shall promptly notify the employing district and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it 43678
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considers appropriate. No district shall employ any individual 43683
under division (A) of this section if the district learns that 43684
the individual has plead guilty to, has been found guilty by a 43685
jury or court of, or has been convicted of any of the offenses 43686
listed in division (C) of section 3319.31 of the Revised Code. 43687

(C) The ~~department~~state board shall charge a registration 43688
fee of one hundred fifty dollars each for the initial 43689
registration and one hundred fifty dollars for renewal of the 43690
registration. 43691

Sec. 3319.224. Notwithstanding section 3319.30 of the 43692
Revised Code, a school district or educational service center 43693
may contract with a provider licensed under Chapter 4753. of the 43694
Revised Code for speech and language services or for audiology 43695
services. The contracted services shall be retained only after 43696
the district or service center has demonstrated to the 43697
department of education and workforce that attempts to obtain 43698
the services of a speech and language or audiology provider 43699
licensed under this chapter have been unsuccessful. 43700

Sec. 3319.228. (A) This section applies only to a person 43701
who meets the following conditions: 43702

(1) Holds a minimum of a baccalaureate degree; 43703

(2) Has been licensed and employed as a teacher in another 43704
state for each of the preceding five years; 43705

(3) Was initially licensed as a teacher in any state 43706
within the preceding fifteen years; 43707

(4) Has not had a teacher's license suspended or revoked 43708
in any state. 43709

(B) (1) Not later than July 1, 2012, the superintendent of 43710

public instruction shall develop a list of states that the superintendent considers to have standards for teacher licensure that are inadequate to ensure that a person to whom this section applies and who was most recently licensed to teach in that state is qualified for a professional educator license issued under section 3319.22 of the Revised Code.

(2) Following development of the list, the superintendent shall establish a panel of experts to evaluate the adequacy of the teacher licensure standards of each state on the list. Each person selected by the superintendent to be a member of the panel shall be approved by the state board of education. In evaluating the superintendent's list, the panel shall provide an opportunity for representatives of the department of education, or similar state-level agency, of each state on the list to provide evidence to refute the state's placement on the list.

Not later than April 1, 2013, the panel shall recommend to the state board that the list be approved without changes or that specified states be removed from the list prior to approval. Not later than July 1, 2013, the state board shall approve a final list of states with standards for teacher licensure that are inadequate to ensure that a person to whom this section applies and who was most recently licensed to teach in that state is qualified for a professional educator license issued under section 3319.22 of the Revised Code.

(C) Except as otherwise provided in division (E) (1) of this section, until the date on which the state board approves a final list of states with inadequate teacher licensure standards under division (B) (2) of this section, the state board shall issue a one-year provisional educator license to any applicant to whom this section applies. On and after that date, neither

the state board nor the department of education and workforce 43741
shall be party to any reciprocity agreement with a state on that 43742
list that requires the state board to issue a person to whom 43743
this section applies any type of professional educator license 43744
on the basis of the person's licensure and teaching experience 43745
in that state. 43746

(D) Upon the expiration of a provisional license issued to 43747
a person under division (C) of this section, the state board 43748
shall issue the person a professional educator license, if the 43749
person satisfies either of the following conditions: 43750

(1) The person was issued the provisional license prior to 43751
the development of the list by the state superintendent under 43752
division (B) (1) of this section and, prior to issuance of the 43753
provisional license, the person was most recently licensed to 43754
teach by a state not on the superintendent's list or, if the 43755
final list of states with inadequate teacher licensure standards 43756
has been approved by the state board under division (B) (2) of 43757
this section, by a state not on that list. 43758

(2) All of the following apply to the person: 43759

(a) Prior to obtaining the provisional license, the person 43760
was most recently licensed to teach by a state on the 43761
superintendent's list or, if the final list of states with 43762
inadequate teacher licensure standards has been approved by the 43763
state board under division (B) (2) of this section, by a state on 43764
that list. 43765

(b) The person was employed under the provisional license 43766
by a school district; community school established under Chapter 43767
3314. of the Revised Code; science, technology, engineering, and 43768
mathematics school established under Chapter 3326. of the 43769

Revised Code; or an entity contracted by such a district or 43770
school to provide internet- or computer-based instruction or 43771
distance learning programs to students. 43772

(c) The district or school certifies to the state board 43773
that the person's teaching was satisfactory while employed or 43774
contracted by the district or school. 43775

(E) (1) From July 1, 2012, until the date on which the 43776
state board approves a final list of states with inadequate 43777
teacher licensure standards under division (B) (2) of this 43778
section, the state board shall issue a professional educator 43779
license to any applicant to whom this section applies and who 43780
was most recently licensed to teach by a state that is not on 43781
the list developed by the state superintendent under division 43782
(B) (1) of this section. 43783

(2) Beginning on the date on which the state board 43784
approves a final list of states with inadequate teacher 43785
licensure standards under division (B) (2) of this section, the 43786
state board shall issue a professional educator license to any 43787
applicant to whom this section applies and who was most recently 43788
licensed to teach by a state that is not on that list. 43789

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 43790
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 43791
general assembly, the state board of education shall accept 43792
applications for new, and for renewal of, professional career- 43793
technical teaching licenses through June 30, 2019, and issue 43794
them on the basis of the applications received by that date in 43795
accordance with the rules described in that former section. 43796
Except as otherwise provided in divisions (A) (2) and (3) of this 43797
section, beginning July 1, 2019, the state board shall issue 43798
career-technical workforce development educator licenses only 43799

under this section. 43800

(2) An individual who, on July 1, 2019, holds a 43801
professional career-technical teaching license issued under the 43802
rules described in former section 3319.229 of the Revised Code, 43803
may continue to renew that license in accordance with those 43804
rules for the remainder of the individual's teaching career. 43805
However, nothing in this division shall be construed to prohibit 43806
the individual from applying to the state board for a career- 43807
technical workforce development educator license under this 43808
section. 43809

(3) An individual who, on July 1, 2019, holds an 43810
alternative resident educator license for teaching career- 43811
technical education issued under section 3319.26 of the Revised 43812
Code may, upon the expiration of the license, apply for a 43813
professional career-technical teaching license issued under the 43814
rules described in former section 3319.229 of the Revised Code. 43815
Such an individual may continue to renew the professional 43816
license in accordance with those rules for the remainder of the 43817
individual's teaching career. However, nothing in this division 43818
shall be construed to prohibit the individual from applying to 43819
the state board for a career-technical workforce development 43820
educator license under this section. 43821

(B) The state board, in collaboration with the chancellor 43822
of higher education, shall adopt rules establishing standards 43823
and requirements for obtaining a two-year initial career- 43824
technical workforce development educator license and a five-year 43825
advanced career-technical workforce development educator 43826
license. Each license shall be valid for teaching career- 43827
technical education or workforce development programs in grades 43828
four through twelve. The rules shall require applicants for 43829

either license to have a high school diploma or a certificate of 43830
high school equivalence as awarded under section 3301.80 of the 43831
Revised Code or as recognized as the equivalent of such 43832
certificate under division (C) of that section. 43833

(C) (1) The state board shall issue an initial career- 43834
technical workforce development educator license to an applicant 43835
upon request from the superintendent of a school district that 43836
has agreed to employ the applicant. In making the request, the 43837
superintendent shall provide documentation, in accordance with 43838
procedures prescribed by the ~~department of education~~ state 43839
board, showing that the applicant has at least five years of 43840
work experience, or the equivalent, in the subject area in which 43841
the applicant will teach. The license shall be valid for 43842
teaching only in the requesting district. The superintendent 43843
also shall provide documentation, in accordance with procedures 43844
prescribed by the ~~department~~ state board, that the applicant is 43845
enrolled in a career-technical workforce development educator 43846
preparation program offered by an institution of higher 43847
education that has an existing teacher preparatory program in 43848
place that meets all of the following criteria: 43849

(a) Is approved by the chancellor of higher education to 43850
provide instruction in teaching methods and principles; 43851

(b) Provides classroom support to the license holder; 43852

(c) Includes at least three semester hours of coursework 43853
in the teaching of reading in the subject area; 43854

(d) Is aligned with career-technical education and 43855
workforce development competencies developed by the department; 43856

(e) Uses a summative performance-based assessment 43857
developed by the program and aligned to the competencies 43858

described in division (C) (1) (d) of this section to evaluate the 43859
license holder's knowledge and skills; 43860

(f) Consists of not less than twenty-four semester hours 43861
of coursework, or the equivalent. 43862

(2) As a condition of continuing to hold the initial 43863
career-technical workforce development license, the holder of 43864
the license shall be participating in a career-technical 43865
workforce development educator preparation program described in 43866
division (C) (1) of this section. 43867

(3) The state board shall renew an initial career- 43868
technical workforce development educator license if the 43869
supervisor of the program described in division (C) (1) of this 43870
section and the superintendent of the employing school district 43871
indicate that the applicant is making sufficient progress in 43872
both the program and the teaching position. 43873

(D) The state board shall issue an advanced career- 43874
technical workforce development educator license to an applicant 43875
who has successfully completed the program described in division 43876
(C) (1) of this section, as indicated by the supervisor of the 43877
program, and who demonstrates mastery of the applicable career- 43878
technical education and workforce development competencies 43879
described in division (C) (1) (d) of this section in the teaching 43880
position, as indicated by the superintendent of the employing 43881
school district. 43882

(E) The holder of an advanced career-technical workforce 43883
development educator license shall work with a local 43884
professional development committee established under section 43885
3319.22 of the Revised Code in meeting requirements for renewal 43886
of the license. 43887

(F) Notwithstanding the provisions of section 3319.226 of the Revised Code, the state board shall not require any applicant for an educator license for substitute teaching who holds a license issued under this section to hold a post-secondary degree in order to be issued a license under section 3319.226 of the Revised Code to work as a substitute teacher for career-technical education classes.

Sec. 3319.231. As used in this section, "community service" has the same meaning as in section 3313.605 of the Revised Code.

The ~~state board~~ department of education and workforce shall adopt rules establishing qualifications for the teaching of community service education for high school credit under division (C) of section 3313.605 of the Revised Code. In addition, the ~~board~~ department shall provide technical assistance to school districts providing community service instructional programs for teachers.

Sec. 3319.234. The teacher quality partnership, a consortium of teacher preparation programs that have been approved by the chancellor of ~~the Ohio board of regents~~ higher education under section 3333.048 of the Revised Code, shall study the relationship of teacher performance on educator licensure assessments, as adopted by the state board of education under section 3319.22 of the Revised Code, to teacher effectiveness in the classroom. Not later than September 1, 2008, the partnership shall begin submitting annual data reports along with any other data on teacher effectiveness the partnership determines appropriate to the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the

chairpersons and ranking minority members of the standing 43918
committees of the senate and the house of representatives that 43919
consider education legislation, the ~~superintendent of public~~ 43920
~~instruction, the state board of education, and the chancellor of~~ 43921
~~the Ohio board of regents.~~ 43922

Sec. 3319.235. (A) The standards for the preparation of 43923
teachers adopted under section 3333.048 of the Revised Code 43924
shall require any institution that provides a course of study 43925
for the training of teachers to ensure that graduates of such 43926
course of study are skilled at integrating educational 43927
technology in the instruction of children, as evidenced by the 43928
graduate having either demonstrated proficiency in such skills 43929
in a manner prescribed by the department of education and 43930
workforce or completed a course that includes training in such 43931
skills. 43932

(B) The chancellor of ~~the Ohio board of regents, higher~~ 43933
education, in consultation with the department of education and 43934
workforce, shall establish model professional development 43935
programs to assist teachers who completed their teacher 43936
preparation prior to the effective date of division (A) of this 43937
section to become skilled at integrating educational technology 43938
in the instruction of children. The chancellor shall provide 43939
technical assistance to school districts wishing to establish 43940
such programs. 43941

Sec. 3319.236. (A) Except as provided in division (B) of 43942
this section, a school district shall require an individual to 43943
hold a valid educator license in computer science, or have a 43944
license endorsement in computer technology and a passing score 43945
on a content examination in the area of computer science, to 43946
teach computer science courses. 43947

(B) A school district may employ an individual, for the purpose of teaching computer science courses, who holds a valid educator license in any of grades kindergarten through twelve, provided the individual meets the requirements established by rules of the state board of education to qualify for a supplemental teaching license for teaching computer science. The rules shall require an applicant for a supplemental teaching license to pass a content examination in the area of computer science. The rules also shall permit an individual, after at least two years of successfully teaching computer science courses under the supplemental teaching license, to advance to a standard educator license in computer science by completing a pedagogy course applicable to the grade levels in which the individual is teaching. However, the rules may exempt an individual teaching computer science from the requirement to complete a pedagogy course if the individual previously completed a pedagogy course applicable to the grade levels in which the individual is teaching.

(C) In order for an individual to teach advanced placement computer science courses, a school district shall require the individual to also complete a professional development program endorsed or provided by the organization that creates and administers national advanced placement examinations. For this purpose, the individual may complete the program at any time during the calendar year.

(D) Notwithstanding section 3301.012 of the Revised Code, as used in this section, "computer science courses" means any courses that are reported in the education management information system established under section 3301.0714 of the Revised Code as computer science courses and which are aligned to computer science standards adopted by the ~~state board~~

department of education and workforce. 43979

Sec. 3319.25. Any teacher performance assessment entity 43980
with which the department of education and workforce or the 43981
state board of education contracts or any independent agent with 43982
whom such entity, the department, or the state board contracts 43983
to provide services as a teacher performance assessor, trainer 43984
of assessors, or assessment coordinator is not liable for 43985
damages in a civil action concerning the actions of such entity 43986
or agent made in the conduct of a teacher performance assessment 43987
unless those actions were conducted with malicious purpose, in 43988
bad faith, or in a wanton or reckless manner. 43989

As used in this section, "teacher performance assessment" 43990
means an assessment prescribed by the state board of education 43991
to measure the classroom performance of a teacher who is a 43992
candidate for licensure based on observations conducted by a 43993
trained assessor while the teacher is engaged in actual 43994
classroom instruction. 43995

Sec. 3319.262. (A) Notwithstanding any other provision of 43996
the Revised Code or any rule adopted by the state board of 43997
education to the contrary, the state board shall adopt rules 43998
establishing standards and requirements for obtaining a 43999
nonrenewable four-year initial early college high school 44000
educator license for teaching grades seven through twelve at an 44001
early college high school described in section 3313.6013 of the 44002
Revised Code to any applicant who meets the following 44003
conditions: 44004

(1) Has a graduate or terminal degree from an accredited 44005
institution of higher education in a field related to the 44006
subject area to be taught, as determined by the ~~department of~~ 44007
education state board; 44008

(2) Has obtained a passing score on an examination in the 44009
subject area to be taught, as prescribed by the state board; 44010

(3) Has experience teaching students at any grade level, 44011
including post-secondary students; 44012

(4) Has proof that an early college high school intends to 44013
employ the applicant pending a valid license under this section. 44014

An individual licensed under this section shall be subject 44015
to sections 3319.291 and 3319.39 of the Revised Code. An initial 44016
educator license issued under division (A) of this section shall 44017
be valid for teaching only at the employing school described in 44018
division (A) (4) of this section. 44019

(B) After four years of teaching under an initial early 44020
college high school educator license issued under this section, 44021
an individual may apply for a renewable five-year professional 44022
educator license in the same subject area named in the initial 44023
license. The state board shall issue the applicant a 44024
professional educator license if the applicant attains a passing 44025
score on an assessment of professional knowledge prescribed by 44026
the state board. Nothing in division (B) of this section shall 44027
be construed to prohibit an individual from applying for a 44028
professional-~~education~~ educator license under section 3319.22 of 44029
the Revised Code. 44030

Sec. 3319.263. ~~Beginning on the first day of July~~ 44031
~~succeeding the effective date of this section and for only five~~ 44032
~~years thereafter~~ Until July 1, 2028, notwithstanding anything to 44033
the contrary in section 3319.26 of the Revised Code or any rule 44034
of the state board of education adopted under that section, the 44035
state board ~~and the department of education~~ shall not limit the 44036
subject areas for which an individual may receive an alternative 44037

resident educator license issued under that section. 44038

Sec. 3319.28. (A) As used in this section, "STEM school" 44039
means a science, technology, engineering, and mathematics school 44040
established under Chapter 3326. of the Revised Code. 44041

(B) Notwithstanding any other provision of the Revised 44042
Code or any rule adopted by the state board of education to the 44043
contrary, the state board shall issue a two-year provisional 44044
educator license for teaching science, technology, engineering, 44045
or mathematics in grades six through twelve in a STEM school to 44046
any applicant who meets the following conditions: 44047

(1) Holds a bachelor's degree from an accredited 44048
institution of higher education in a field related to the 44049
subject area to be taught; 44050

(2) Has passed an examination prescribed by the state 44051
board in the subject area to be taught. 44052

(C) The holder of a provisional educator license issued 44053
under this section shall complete a structured apprenticeship 44054
program provided by an educational service center or a teacher 44055
preparation program approved under section 3333.048 of the 44056
Revised Code, in partnership with the STEM school that employs 44057
the license holder. The apprenticeship program shall include the 44058
following: 44059

(1) Mentoring by a teacher or administrator who regularly 44060
observes the license holder's classroom instruction, provides 44061
feedback on the license holder's teaching strategies and 44062
classroom management, and engages the license holder in 44063
discussions about methods for fostering and measuring student 44064
learning; 44065

(2) Regularly scheduled seminars or meetings that address 44066

the following topics:	44067
(a) The statewide academic standards adopted by the state board under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;	44068 44069 44070
(b) The achievement assessments prescribed by section 3301.0710 of the Revised Code;	44071 44072
(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;	44073 44074
(d) Instructional methods and strategies;	44075
(e) Student development;	44076
(f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;	44077 44078
(g) Classroom management and record keeping.	44079
(D) After two years of teaching under a provisional educator license issued under this section, a person may apply for a five-year professional educator license in the same subject area named in the provisional license. The state board shall issue the applicant a professional educator license if the applicant meets the following conditions:	44080 44081 44082 44083 44084 44085
(1) The applicant completed the apprenticeship program described in division (C) of this section.	44086 44087
(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:	44088 44089 44090
(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;	44091 44092 44093

(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant. 44094
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(3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code. 44097
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(E) The ~~department of education~~ state board shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs. 44100
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Sec. 3319.291. (A) The state board of education shall require each of the following persons, at the times prescribed by division (A) of this section, to undergo a criminal records check, unless the person has undergone a records check under this section or a former version of this section less than five years prior to that time. 44107
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(1) Any person initially applying for any certificate, license, or permit described in this chapter or in division (B) of section 3301.071 or in section 3301.074 of the Revised Code at the time that application is made; 44113
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(2) Any person applying for renewal of any certificate, license, or permit described in division (A)(1) of this section at the time that application is made; 44117
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(3) Any person who is teaching under a professional teaching certificate issued under former section 3319.222 of the Revised Code upon a date prescribed by the state board; 44120
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(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter.

(B) (1) Except as otherwise provided in division (B) (2) of this section, the state board shall require each person subject to a criminal records check under this section to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person.

(2) If both of the following conditions apply to a person subject to a criminal records check under this section, the state board shall require the person to submit one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation so that bureau may forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person:

(a) Under this section or any former version of this section, the state board or the superintendent of public instruction previously requested the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to

division (A) of section 109.57 of the Revised Code, on the 44153
person. 44154

(b) The person presents proof that the person has been a 44155
resident of this state for the five-year period immediately 44156
prior to the date upon which the person becomes subject to a 44157
criminal records check under this section. 44158

(C) Except as provided in division (D) of this section, 44159
prior to issuing or renewing any certificate, license, or permit 44160
for a person described in division (A) (1) or (2) of this section 44161
who is subject to a criminal records check and in the case of a 44162
person described in division (A) (3) or (4) of this section who 44163
is subject to a criminal records check, the state board or the 44164
superintendent of public instruction shall do one of the 44165
following: 44166

(1) If the person is required to submit fingerprints and 44167
written permission under division (B) (1) of this section, 44168
request the superintendent of the bureau of criminal 44169
identification and investigation to determine whether the bureau 44170
has any information, gathered pursuant to division (A) of 44171
section 109.57 of the Revised Code, pertaining to the person and 44172
to obtain any criminal records that the federal bureau of 44173
investigation has on the person. 44174

(2) If the person is required to submit fingerprints and 44175
written permission under division (B) (2) of this section, 44176
request the superintendent of the bureau of criminal 44177
identification and investigation to obtain any criminal records 44178
that the federal bureau of investigation has on the person. 44179

(D) The state board or the superintendent of public 44180
instruction may choose not to request any information about a 44181

person required by division (C) of this section if the person 44182
provides proof that a criminal records check that satisfies the 44183
requirements of that division was conducted on the person as a 44184
condition of employment pursuant to section 3319.39 of the 44185
Revised Code within the immediately preceding year. The state 44186
board or the superintendent of public instruction may accept a 44187
certified copy of records that were issued by the bureau of 44188
criminal identification and investigation and that are presented 44189
by the person in lieu of requesting that information under 44190
division (C) of this section if the records were issued by the 44191
bureau within the immediately preceding year. 44192

(E) (1) If a person described in division (A) (3) or (4) of 44193
this section who is subject to a criminal records check fails to 44194
submit fingerprints and written permission by the date specified 44195
in the applicable division, and the state board or the 44196
superintendent of public instruction does not apply division (D) 44197
of this section to the person, or if a person who is subject to 44198
division (G) of this section fails to submit fingerprints and 44199
written permission by the date prescribed under that division, 44200
the superintendent shall prepare a written notice stating that 44201
if the person does not submit the fingerprints and written 44202
permission within fifteen days after the date the notice was 44203
mailed, the person's application will be rejected or the 44204
person's professional or permanent teaching certificate or 44205
license will be inactivated. The superintendent shall send the 44206
notification by regular mail to the person's last known 44207
residence address or last known place of employment, as 44208
indicated in the ~~department of education's~~ state board's 44209
records, or both. 44210

If the person fails to submit the fingerprints and written 44211
permission within fifteen days after the date the notice was 44212

mailed, the superintendent of public instruction, on behalf of 44213
the state board, shall issue a written order rejecting the 44214
application or inactivating the person's professional or 44215
permanent teaching certificate or license. The rejection or 44216
inactivation shall remain in effect until the person submits the 44217
fingerprints and written permission. The superintendent shall 44218
send the order by regular mail to the person's last known 44219
residence address or last known place of employment, as 44220
indicated in the ~~department's~~ state board's records, or both. 44221
The order shall state the reason for the rejection or 44222
inactivation and shall explain that the rejection or 44223
inactivation remains in effect until the person submits the 44224
fingerprints and written permission. 44225

The rejection or inactivation of a professional or 44226
permanent teaching certificate or license under division (E) (1) 44227
of this section does not constitute a suspension or revocation 44228
of the certificate or license by the state board under section 44229
3319.31 of the Revised Code and the state board and the 44230
superintendent of public instruction need not provide the person 44231
with an opportunity for a hearing with respect to the rejection 44232
or inactivation. 44233

(2) If a person whose professional or permanent teaching 44234
certificate or license has been rejected or inactivated under 44235
division (E) (1) of this section submits fingerprints and written 44236
permission as required by division (B) or (G) of this section, 44237
the superintendent of public instruction, on behalf of the state 44238
board, shall issue a written order issuing or reactivating the 44239
certificate or license. The superintendent shall send the order 44240
to the person by regular mail. 44241

(F) Notwithstanding divisions (A) to (C) of this section, 44242

if a person holds more than one certificate, license, or permit 44243
described in division (A) (1) of this section, the following 44244
shall apply: 44245

(1) If the certificates, licenses, or permits are of 44246
different durations, the person shall be subject to divisions 44247
(A) to (C) of this section only when applying for renewal of the 44248
certificate, license, or permit that is of the longest duration. 44249
Prior to renewing any certificate, license, or permit with a 44250
shorter duration, the state board or the superintendent of 44251
public instruction shall determine whether the ~~department of~~ 44252
~~education~~ state board has received any information about the 44253
person pursuant to section 109.5721 of the Revised Code, but the 44254
person shall not be subject to divisions (A) to (C) of this 44255
section as long as the person's certificate, license, or permit 44256
with the longest duration is valid. 44257

(2) If the certificates, licenses, or permits are of the 44258
same duration but do not expire in the same year, the person 44259
shall designate one of the certificates, licenses, or permits as 44260
the person's primary certificate, license, or permit and shall 44261
notify the ~~department~~ state board of that designation. The 44262
person shall be subject to divisions (A) to (C) of this section 44263
only when applying for renewal of the person's primary 44264
certificate, license, or permit. Prior to renewing any 44265
certificate, license, or permit that is not the person's primary 44266
certificate, license, or permit, the state board or the 44267
superintendent of public instruction shall determine whether the 44268
~~department~~ state board has received any information about the 44269
person pursuant to section 109.5721 of the Revised Code, but the 44270
person shall not be subject to divisions (A) to (C) of this 44271
section as long as the person's primary certificate, license, or 44272
permit is valid. 44273

(3) If the certificates, licenses, or permits are of the same duration and expire in the same year and the person applies for renewal of the certificates, licenses, or permits at the same time, the state board or the superintendent of public instruction shall request only one criminal records check of the person under division (C) of this section.

(G) If the ~~department~~state board is unable to enroll a person who has submitted an application for licensure, or to whom the state board has issued a license, in the retained applicant fingerprint database established under section 109.5721 of the Revised Code because the person has not satisfied the requirements for enrollment, the ~~department~~board shall require the person to satisfy the requirements for enrollment, including requiring the person to submit, by a date prescribed by the ~~department~~state board, one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation for the purpose of enrolling the person in the database. If the person fails to comply by the prescribed date, the ~~department~~state board shall reject the application or shall take action to inactivate the person's license in accordance with division (E) of this section.

Sec. 3319.292. As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

The state board of education ~~and the department of education~~ may question an applicant for issuance or renewal of any license with respect to any criminal offense committed or alleged to have been committed by the applicant. If the record of a conviction, plea of guilty, bail forfeiture, or other

disposition of a criminal offense committed or alleged to have 44304
been committed by the applicant has been sealed or expunged, the 44305
state board ~~and the department~~ need not assert or demonstrate 44306
that its questioning with respect to the offense bears a direct 44307
and substantial relationship to the issuance or renewal of the 44308
license or to the position in which the applicant will work 44309
under the license. 44310

Any questions regarding a record of a conviction, plea of 44311
guilty, bail forfeiture, or other disposition of a criminal 44312
offense committed or alleged to have been committed by the 44313
applicant that has been sealed or expunged and the responses of 44314
the applicant to such questions shall not be a public record 44315
under section 149.43 of the Revised Code. 44316

Sec. 3319.316. ~~The department of education, on behalf of~~ 44317
~~the~~ state board of education, shall be a participating public 44318
office for purposes of the retained applicant fingerprint 44319
database established under section 109.5721 of the Revised Code 44320
and shall receive notification from the bureau of criminal 44321
identification and investigation of the arrest or conviction of 44322
persons to whom the state board has issued a license, as defined 44323
in section 3319.31 of the Revised Code. 44324

Sec. 3319.319. The appointing or hiring officer of a 44325
school district or school located in Ohio or another state may 44326
request from the ~~department~~ state board of education any report 44327
~~the department has~~ received under sections 3314.40, 3319.313, 44328
3326.24, 3328.19, or 5126.253 of the Revised Code regarding an 44329
individual who is under consideration for employment by the 44330
district or school. If the ~~department~~ superintendent of public 44331
instruction has received a report under any of those sections 44332
regarding the individual, the ~~department~~ state superintendent 44333

shall provide the contents of the report to the requesting officer. Upon provision of the contents of the report to the requesting officer, the ~~department~~ state superintendent shall notify the officer that the information provided is confidential and may not be disseminated to any other person or entity.

If the ~~department~~ state superintendent provides the contents of a report to an appointing or hiring officer under this section, the ~~department~~ state superintendent shall document the information provided in the record of any investigation undertaken pursuant to section 3319.311 of the Revised Code based on the report. Such documentation shall include a list of the information provided, the date the information was provided, and the name and contact information of the appointing or hiring officer to whom the information was provided.

Sec. 3319.33. On or before the first day of August in each year, the board of education of each city, exempted village, and local school district shall report to the ~~state board~~ department of education and workforce the school statistics of its district. Such report shall be made on forms furnished by the ~~state board of education~~ department and shall contain such information as the ~~state board of education~~ department requires. The report shall also set forth with respect to each civil proceeding in which the board of education is a defendant and each civil proceeding in which the board of education is a party and is not a defendant and in which one of the other parties is a board of education in this state or an officer, board, or official of this state:

(A) The nature of the proceeding;

(B) The capacity in which the board is a party to the proceeding;

(C) The total expenses incurred by the board with respect 44364
to the proceeding; 44365

(D) The total expenses incurred by the board with respect 44366
to the proceeding during the reporting period. 44367

Divisions (A) to (D) of this section do not apply to any 44368
proceeding for which no expenses have been incurred during the 44369
reporting period. 44370

The board of education of each city, exempted village, and 44371
local school district may prepare and publish annually a report 44372
of the condition and administration of the schools under its 44373
supervision which shall include therein an exhibit of the 44374
financial affairs of the district and the information required 44375
in divisions (A) to (D) of this section. Such annual report 44376
shall be for a full year. 44377

Sec. 3319.35. If the superintendent or treasurer of any 44378
school district or educational service center fails to prepare 44379
any required report, that superintendent shall be liable in the 44380
sum of three hundred dollars, to be recovered by a civil action. 44381
In the case of reports required to be submitted to the 44382
superintendent, such action shall be instituted in the name of 44383
the governing board of the service center upon the complaint of 44384
the service center superintendent and the amount collected shall 44385
be paid into the service center's general fund. In the case of 44386
reports to be submitted to the ~~state board department~~ of 44387
education and workforce, the action shall be instituted in the 44388
name of the state on complaint of the board and the amount 44389
collected shall be paid into the general revenue fund. 44390

Sec. 3319.361. (A) The state board of education shall 44391
establish rules for the issuance of a supplemental teaching 44392

license. This license shall be issued at the request of the 44393
superintendent of a city, local, exempted village, or joint 44394
vocational school district, educational service center, or the 44395
governing authority of a STEM school, chartered nonpublic 44396
school, or community school to an individual who meets all of 44397
the following criteria: 44398

(1) Holds a current professional or permanent Ohio 44399
teaching certificate or resident educator license, professional 44400
educator license, senior professional educator license, or lead 44401
professional educator license, as issued under section 3319.22 44402
or 3319.26 of the Revised Code; 44403

(2) Is of good moral character; 44404

(3) Is employed in a supplemental licensure area or 44405
teaching field, as defined by the state board; 44406

(4) Completes an examination prescribed by the state board 44407
in the licensure area; 44408

(5) Completes, while employed under the supplemental 44409
teaching license and subsequent renewals thereof, additional 44410
coursework, if applicable, and testing requirements for full 44411
licensure in the supplemental area as a condition of holding and 44412
teaching under a supplemental teaching license. 44413

(B) The employing school district, service center, or 44414
school shall assign a mentor to the individual holding a 44415
supplemental teaching license. The assigned mentor shall be an 44416
experienced teacher who currently holds a license in the same, 44417
or a related, content area as the supplemental license. 44418

(C) Before the ~~department of education~~ state board will 44419
issue an individual a supplemental teaching license in another 44420
area, the supplemental licensee must complete the supplemental 44421

licensure program, or its equivalent, and be issued a standard 44422
teaching license in the area of the currently held supplemental 44423
license. 44424

(D) An individual may advance from a supplemental teaching 44425
license to a standard teaching license upon: 44426

(1) Verification from the employing superintendent or 44427
governing authority that the individual holding the supplemental 44428
teaching license has taught successfully in the licensure area 44429
for a minimum of two years; and 44430

(2) Completing requirements as applicable to the licensure 44431
area or teaching field as established by the state board. 44432

(E) A licensee who has filed an application under this 44433
section may work in the supplemental licensure area for up to 44434
sixty school days while completing the requirements in division 44435
(A) (4) of this section. If the requirements are not completed 44436
within sixty days, the application shall be declined. 44437

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 44438
(b) of section 109.57 of the Revised Code, the appointing or 44439
hiring officer of the board of education of a school district, 44440
the governing board of an educational service center, or of a 44441
chartered nonpublic school shall request the superintendent of 44442
the bureau of criminal identification and investigation to 44443
conduct a criminal records check with respect to any applicant 44444
who has applied to the school district, educational service 44445
center, or school for employment in any position. The appointing 44446
or hiring officer shall request that the superintendent include 44447
information from the federal bureau of investigation in the 44448
criminal records check, unless all of the following apply to the 44449
applicant: 44450

(a) The applicant is applying to be an instructor of adult education. 44451
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(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child. 44453
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(c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check. 44464
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(2) A person required by division (A) (1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C) (2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person 44471
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requests a criminal records check pursuant to division (A) (1) of 44481
this section. 44482

(3) An applicant who receives pursuant to division (A) (2) 44483
of this section a copy of the form prescribed pursuant to 44484
division (C) (1) of section 109.572 of the Revised Code and a 44485
copy of an impression sheet prescribed pursuant to division (C) 44486
(2) of that section and who is requested to complete the form 44487
and provide a set of fingerprint impressions shall complete the 44488
form or provide all the information necessary to complete the 44489
form and shall provide the impression sheet with the impressions 44490
of the applicant's fingerprints. If an applicant, upon request, 44491
fails to provide the information necessary to complete the form 44492
or fails to provide impressions of the applicant's fingerprints, 44493
the board of education of a school district, governing board of 44494
an educational service center, or governing authority of a 44495
chartered nonpublic school shall not employ that applicant for 44496
any position. 44497

(4) Notwithstanding any provision of this section to the 44498
contrary, an applicant who meets the conditions prescribed in 44499
divisions (A) (1) (a) and (b) of this section and who, within the 44500
two-year period prior to the date of application, was the 44501
subject of a criminal records check under this section prior to 44502
being hired for short-term employment with the school district, 44503
educational service center, or chartered nonpublic school to 44504
which application is being made shall not be required to undergo 44505
a criminal records check prior to the applicant's rehiring by 44506
that district, service center, or school. 44507

(B) (1) Except as provided in rules adopted by the 44508
~~department~~ state board of education in accordance with division 44509
(E) of this section and as provided in division (B) (3) of this 44510

section, no board of education of a school district, no 44511
governing board of an educational service center, and no 44512
governing authority of a chartered nonpublic school shall employ 44513
a person if the person previously has been convicted of or 44514
pleaded guilty to any of the following: 44515

(a) A violation of section 2903.01, 2903.02, 2903.03, 44516
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 44517
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 44518
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 44519
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 44520
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 44521
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 44522
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 44523
section 2905.04 of the Revised Code as it existed prior to July 44524
1, 1996, a violation of section 2919.23 of the Revised Code that 44525
would have been a violation of section 2905.04 of the Revised 44526
Code as it existed prior to July 1, 1996, had the violation been 44527
committed prior to that date, a violation of section 2925.11 of 44528
the Revised Code that is not a minor drug possession offense, or 44529
felonious sexual penetration in violation of former section 44530
2907.12 of the Revised Code; 44531

(b) A violation of an existing or former law of this 44532
state, another state, or the United States that is substantially 44533
equivalent to any of the offenses or violations described in 44534
division (B)(1)(a) of this section. 44535

(2) A board, governing board of an educational service 44536
center, or a governing authority of a chartered nonpublic school 44537
may employ an applicant conditionally until the criminal records 44538
check required by this section is completed and the board or 44539
governing authority receives the results of the criminal records 44540

check. If the results of the criminal records check indicate 44541
that, pursuant to division (B) (1) of this section, the applicant 44542
does not qualify for employment, the board or governing 44543
authority shall release the applicant from employment. 44544

(3) No board and no governing authority of a chartered 44545
nonpublic school shall employ a teacher who previously has been 44546
convicted of or pleaded guilty to any of the offenses listed in 44547
section 3319.31 of the Revised Code. 44548

(C) (1) Each board and each governing authority of a 44549
chartered nonpublic school shall pay to the bureau of criminal 44550
identification and investigation the fee prescribed pursuant to 44551
division (C) (3) of section 109.572 of the Revised Code for each 44552
criminal records check conducted in accordance with that section 44553
upon the request pursuant to division (A) (1) of this section of 44554
the appointing or hiring officer of the board or governing 44555
authority. 44556

(2) A board and the governing authority of a chartered 44557
nonpublic school may charge an applicant a fee for the costs it 44558
incurs in obtaining a criminal records check under this section. 44559
A fee charged under this division shall not exceed the amount of 44560
fees the board or governing authority pays under division (C) (1) 44561
of this section. If a fee is charged under this division, the 44562
board or governing authority shall notify the applicant at the 44563
time of the applicant's initial application for employment of 44564
the amount of the fee and that, unless the fee is paid, the 44565
board or governing authority will not consider the applicant for 44566
employment. 44567

(D) The report of any criminal records check conducted by 44568
the bureau of criminal identification and investigation in 44569
accordance with section 109.572 of the Revised Code and pursuant 44570

to a request under division (A) (1) of this section is not a 44571
public record for the purposes of section 149.43 of the Revised 44572
Code and shall not be made available to any person other than 44573
the applicant who is the subject of the criminal records check 44574
or the applicant's representative, the board or governing 44575
authority requesting the criminal records check or its 44576
representative, and any court, hearing officer, or other 44577
necessary individual involved in a case dealing with the denial 44578
of employment to the applicant. 44579

(E) The ~~department of education~~ state board shall adopt 44580
rules pursuant to Chapter 119. of the Revised Code to implement 44581
this section, including rules specifying circumstances under 44582
which the board or governing authority may hire a person who has 44583
been convicted of an offense listed in division (B) (1) or (3) of 44584
this section but who meets standards in regard to rehabilitation 44585
set by the ~~department~~ state board. Any rules adopted by the 44586
~~department~~ state board under this division regarding the 44587
employment of a person holding a certificate, license, or permit 44588
described in this chapter or in division (B) of section 3301.071 44589
or in section 3301.074 of the Revised Code shall comply with 44590
section 9.79 of the Revised Code. 44591

The ~~department~~ state board shall amend rule 3301-83-23 of 44592
the Ohio Administrative Code that took effect August 27, 2009, 44593
and that specifies the offenses that disqualify a person for 44594
employment as a school bus or school van driver and establishes 44595
rehabilitation standards for school bus and school van drivers. 44596

(F) Any person required by division (A) (1) of this section 44597
to request a criminal records check shall inform each person, at 44598
the time of the person's initial application for employment, of 44599
the requirement to provide a set of fingerprint impressions and 44600

that a criminal records check is required to be conducted and 44601
satisfactorily completed in accordance with section 109.572 of 44602
the Revised Code if the person comes under final consideration 44603
for appointment or employment as a precondition to employment 44604
for the school district, educational service center, or school 44605
for that position. 44606

(G) As used in this section: 44607

(1) "Applicant" means a person who is under final 44608
consideration for appointment or employment in a position with a 44609
board of education, governing board of an educational service 44610
center, or a chartered nonpublic school, except that "applicant" 44611
does not include a person already employed by a board or 44612
chartered nonpublic school who is under consideration for a 44613
different position with such board or school. 44614

(2) "Teacher" means a person holding an educator license 44615
or permit issued under section 3319.22 or 3319.301 of the 44616
Revised Code and teachers in a chartered nonpublic school. 44617

(3) "Criminal records check" has the same meaning as in 44618
section 109.572 of the Revised Code. 44619

(4) "Minor drug possession offense" has the same meaning 44620
as in section 2925.01 of the Revised Code. 44621

(H) If the board of education of a local school district 44622
adopts a resolution requesting the assistance of the educational 44623
service center in which the local district has territory in 44624
conducting criminal records checks of substitute teachers and 44625
substitutes for other district employees under this section, the 44626
appointing or hiring officer of such educational service center 44627
shall serve for purposes of this section as the appointing or 44628
hiring officer of the local board in the case of hiring 44629

substitute teachers and other substitute employees for the local 44630
district. 44631

Sec. 3319.391. This section applies to any person hired by 44632
a school district, educational service center, or chartered 44633
nonpublic school in any position that does not require a 44634
"license" issued by the state board of education, as defined in 44635
section 3319.31 of the Revised Code, and is not for the 44636
operation of a vehicle for pupil transportation. 44637

(A) For each person to whom this section applies who is 44638
hired on or after November 14, 2007, the employer shall request 44639
a criminal records check in accordance with section 3319.39 of 44640
the Revised Code and shall request a subsequent criminal records 44641
check by the fifth day of September every fifth year thereafter. 44642
For each person to whom this division applies who is hired prior 44643
to November 14, 2007, the employer shall request a criminal 44644
records check by a date prescribed by the ~~department of~~ 44645
~~education state board~~ and shall request a subsequent criminal 44646
records check by the fifth day of September every fifth year 44647
thereafter. 44648

(B) (1) Each request for a criminal records check under 44649
this section shall be made to the superintendent of the bureau 44650
of criminal identification and investigation in the manner 44651
prescribed in section 3319.39 of the Revised Code, except that 44652
if both of the following conditions apply to the person subject 44653
to the records check, the employer shall request the 44654
superintendent only to obtain any criminal records that the 44655
federal bureau of investigation has on the person: 44656

(a) The employer previously requested the superintendent 44657
to determine whether the bureau of criminal identification and 44658
investigation has any information, gathered pursuant to division 44659

(A) of section 109.57 of the Revised Code, on the person in 44660
conjunction with a criminal records check requested under 44661
section 3319.39 of the Revised Code or under this section. 44662

(b) The person presents proof that the person has been a 44663
resident of this state for the five-year period immediately 44664
prior to the date upon which the person becomes subject to a 44665
criminal records check under this section. 44666

(2) Upon receipt of a request under division (B)(1) of 44667
this section, the superintendent shall conduct the criminal 44668
records check in accordance with section 109.572 of the Revised 44669
Code as if the request had been made under section 3319.39 of 44670
the Revised Code. However, as specified in division (B)(2) of 44671
section 109.572 of the Revised Code, if the employer requests 44672
the superintendent only to obtain any criminal records that the 44673
federal bureau of investigation has on the person for whom the 44674
request is made, the superintendent shall not conduct the review 44675
prescribed by division (B)(1) of that section. 44676

(C) Any person who is the subject of a criminal records 44677
check under this section and has been convicted of or pleaded 44678
guilty to any offense described in division (B)(1) of section 44679
3319.39 of the Revised Code shall not be hired or shall be 44680
released from employment, as applicable, unless the person meets 44681
the rehabilitation standards adopted by the ~~department~~ state 44682
board under division (E) of that section. 44683

Sec. 3319.393. (A) Each school district and chartered 44684
nonpublic school shall include the following notice in boldface 44685
type in each employment application: "ANY PERSON WHO KNOWINGLY 44686
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 44687
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 44688
DEGREE." 44689

(B) (1) Each district and chartered nonpublic school shall 44690
consult the "educator profile" database maintained on the web 44691
site of the ~~department~~ state board of education prior to making 44692
any hiring decision. 44693

(2) After consulting the "educator profile" database, a 44694
district or chartered nonpublic school may further discern the 44695
employment, disciplinary, or criminal record of an applicant for 44696
employment in either or both of the following ways: 44697

(a) Consulting the state board of education's office of 44698
professional conduct ~~within the department of education in~~ 44699
accordance with section 3319.319 of the Revised Code to 44700
determine whether the individual has been the subject of either: 44701

(i) Any notice to the ~~department~~ superintendent of public 44702
instruction under section 3314.40, 3319.313, 3326.24, 3328.19, 44703
or 5126.253 of the Revised Code; 44704

(ii) Any disciplinary actions conducted by the 44705
~~department~~ state board. 44706

(b) Consulting any prior education-related employers of 44707
the individual. 44708

(3) A district or chartered nonpublic school may require 44709
additional background checks other than the criminal records 44710
checks authorized under sections 109.574 to 109.577 of the 44711
Revised Code or those required under section 3319.39 or 3319.391 44712
of the Revised Code for any applicant for employment or 44713
potential volunteer. 44714

(C) A district or chartered nonpublic school may 44715
conditionally employ an individual pending the receipt of 44716
information sought in accordance with division (B) (2) of this 44717
section. Should that information indicate that the individual 44718

has engaged in conduct unbecoming to the teaching profession or 44719
has committed an offense that prevents, limits, or otherwise 44720
affects the applicant's employment with the district or school, 44721
the district or chartered nonpublic school may release the 44722
individual from employment. 44723

Sec. 3319.40. (A) As used in this section, "license" has 44724
the same meaning as in section 3319.31 of the Revised Code. 44725

(B) If a person who is employed by a school district or 44726
chartered nonpublic school is arrested, summoned, or indicted 44727
for an alleged violation of an offense listed in division (C) of 44728
section 3319.31 of the Revised Code, if the person holds a 44729
license, or an offense listed in division (B) (1) of section 44730
3319.39 of the Revised Code, if the person does not hold a 44731
license, the superintendent of the district or the chief 44732
administrative officer of the chartered nonpublic school shall 44733
suspend that person from all duties that require the care, 44734
custody, or control of a child during the pendency of the 44735
criminal action against the person. If the person who is 44736
arrested, summoned, or indicted for an alleged violation of an 44737
offense listed in division (C) of section 3319.31 or division 44738
(B) (1) of section 3319.39 of the Revised Code is a person whose 44739
duties are assigned by the district treasurer under division (B) 44740
of section 3313.31 of the Revised Code, the treasurer shall 44741
suspend the person from all duties that require the care, 44742
custody, or control of a child. If the person who is arrested, 44743
summoned, or indicted for an alleged violation of an offense 44744
listed in division (C) of section 3319.31 or division (B) (1) of 44745
section 3319.39 of the Revised Code is the superintendent or 44746
treasurer of the district, the district board shall suspend the 44747
superintendent or treasurer from all duties that require the 44748
care, custody, or control of a child. If the person who is 44749

arrested, summoned, or indicted for an alleged violation of an offense listed in division (C) of section 3319.31 or division (B) (1) of section 3319.39 of the Revised Code is the chief administrative officer of the chartered nonpublic school, the governing authority of the chartered nonpublic school shall suspend the chief administrative officer from all duties that require the care, custody, or control of a child.

(C) When a person who holds a license is suspended in accordance with this section, the superintendent, treasurer, board of education, chief administrative officer, or governing authority that imposed the suspension promptly shall report the person's suspension to the ~~department~~ state board of education. The report shall include the offense for which the person was arrested, summoned, or indicted.

Sec. 3319.44. True copies of all contracts made on behalf of this state pursuant to sections 3319.42 and 3319.43 of the Revised Code shall be kept on file in the offices of the ~~state~~ department of education and workforce and of the secretary of state. The ~~state~~ department of education and workforce shall publish all such contracts in convenient form.

Sec. 3319.46. (A) (1) The ~~state board~~ department of education and workforce shall adopt rules under Chapter 119. of the Revised Code that establish both of the following:

(a) A policy and standards for the implementation of positive behavior intervention and supports framework;

(b) A policy and standards for the use of physical restraint or seclusion on students.

(2) ~~Within ninety days after the effective date of this amendment, the state board~~ The department shall amend or update

rule 3301-35-15 of the Administrative Code to reflect the requirements of this section. 44779
44780

(B) (1) Each school district board of education shall do all of the following: 44781
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(a) Implement a positive behavior intervention and supports framework on a system-wide basis that complies with this section; 44783
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44785

(b) Comply with any policy and standards adopted, amended, or updated by the ~~state board~~ department under this section; 44786
44787

(c) Submit any reports required by the department ~~of education~~ or the general assembly with respect to the implementation of a positive behavior intervention and supports framework or suspension and expulsion of students in any of grades pre-kindergarten through three. 44788
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44790
44791
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(2) Each school district's positive behavior intervention and supports framework may focus on the following: 44793
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(a) Comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms; 44795
44796
44797

(b) School-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction; 44798
44799
44800

(c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system; 44801
44802

(d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of positive and proactive communication and staff recognition. 44803
44804
44805

(C) For purposes of this section, "positive behavior intervention and supports framework" or "positive behavior intervention and supports" means a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students.

(D) The department ~~of education~~ shall oversee each school district's and school's compliance with this section.

Sec. 3319.55. (A) A grant program is hereby established to recognize and reward teachers in public and chartered nonpublic schools who hold valid teaching certificates or licenses issued by the national board for professional teaching standards. The ~~superintendent of public instruction department of education and workforce~~ shall administer this program in accordance with this section and the rules which the state board of education it adopts. The department shall adopt those rules in accordance with Chapter 119. of the Revised Code.

In each fiscal year that the general assembly appropriates funds for purposes of this section, the ~~superintendent of public instruction department~~ shall award a grant to each person who, by the first day of April of that year and in accordance with the rules adopted under this section, submits to the ~~superintendent department~~ evidence indicating both of the following:

(1) The person holds a valid certificate or license issued by the national board for professional teaching standards;

(2) The person has been employed full-time as a teacher by the board of education of a school district or by a chartered nonpublic school in this state during the current school year.

An individual may receive a grant under this section in 44835
each fiscal year the person is eligible for a grant and submits 44836
evidence of that eligibility in accordance with this section. No 44837
person may receive a grant after the expiration of the person's 44838
initial certification or license issued by the national board. 44839

(B) The amount of the grant awarded to each eligible 44840
person under division (A) of this section in any fiscal year 44841
shall equal two thousand five hundred dollars. However, if the 44842
funds appropriated for purposes of this section in any fiscal 44843
year are not sufficient to award the full grant amount to each 44844
person who is eligible in that fiscal year, the ~~superintendent-~~ 44845
department shall prorate the amount of the grant awarded in that 44846
fiscal year to each eligible person. 44847

Sec. 3319.56. The department of education and workforce 44848
shall identify promising practices in Ohio and throughout the 44849
country for engaging teachers certified by the national board 44850
for professional teaching standards, and lead teachers who meet 44851
the criteria adopted by the educator standards board pursuant to 44852
section 3319.61 of the Revised Code, in ways that add value 44853
beyond their own classrooms. Practices identified by the 44854
department as promising may include placing national board 44855
certified and lead teachers in key roles in peer review 44856
programs; having such teachers serve as coaches, mentors, and 44857
trainers for other teachers; or having such teachers develop 44858
curricula or instructional integration strategies. 44859

Once the department has identified promising practices, 44860
the department shall inform all school districts of the 44861
practices by posting such information on the department's world 44862
wide web site. 44863

Sec. 3319.57. (A) A grant program is hereby established 44864

under which the department of education and workforce shall 44865
award grants to assist certain schools in a city, exempted 44866
village, local, or joint vocational school district in 44867
implementing one of the following innovations: 44868

(1) The use of instructional specialists to mentor and 44869
support classroom teachers; 44870

(2) The use of building managers to supervise the 44871
administrative functions of school operation so that a school 44872
principal can focus on supporting instruction, providing 44873
instructional leadership, and engaging teachers as part of the 44874
instructional leadership team; 44875

(3) The reconfiguration of school leadership structure in 44876
a manner that allows teachers to serve in leadership roles so 44877
that teachers may share the responsibility for making and 44878
implementing school decisions; 44879

(4) The adoption of new models for restructuring the 44880
school day or school year, such as including teacher planning 44881
and collaboration time as part of the school day; 44882

(5) The creation of smaller schools or smaller units 44883
within larger schools for the purpose of facilitating teacher 44884
collaboration to improve and advance the professional practice 44885
of teaching; 44886

(6) The implementation of "grow your own" recruitment 44887
strategies that are designed to assist individuals who show a 44888
commitment to education become licensed teachers, to assist 44889
experienced teachers obtain licensure in subject areas for which 44890
there is need, and to assist teachers in becoming principals; 44891

(7) The provision of better conditions for new teachers, 44892
such as reduced teaching load and reduced class size; 44893

(8) The provision of incentives to attract qualified mathematics, science, or special education teachers;	44894 44895
(9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;	44896 44897 44898
(10) The implementation of a program to increase the cultural competency of both new and veteran teachers;	44899 44900
(11) The implementation of a program to increase the subject matter competency of veteran teachers.	44901 44902
(B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:	44903 44904 44905
(1) Be hard to staff, as defined by the department.	44906
(2) Use existing school district funds for the implementation of the innovation in an amount equal to the grant amount multiplied by (1 - the district's state share percentage for the fiscal year in which the grant is awarded).	44907 44908 44909 44910
For purposes of division (B) (2) of this section, "state share percentage" has the same meaning as in section 3317.02 of the Revised Code.	44911 44912 44913
(C) The amount and number of grants awarded under this section shall be determined by the department based on any appropriations made by the general assembly for grants under this section.	44914 44915 44916 44917
(D) The state board of education department shall adopt rules for the administration of this grant program.	44918 44919
Sec. 3319.60. There is hereby established the educator	44920

standards board. The board shall develop and recommend to the 44921
state board of education standards for entering and continuing 44922
in the educator professions and standards for educator 44923
professional development. The board membership shall reflect the 44924
diversity of the state in terms of gender, race, ethnic 44925
background, and geographic distribution. 44926

(A) The board shall consist of the following members: 44927

(1) The following nineteen members appointed by the state 44928
board of education: 44929

(a) Ten persons employed as teachers in a school district. 44930
Three persons appointed under this division shall be employed as 44931
teachers in a secondary school, two persons shall be employed as 44932
teachers in a middle school, three persons shall be employed as 44933
teachers in an elementary school, one person shall be employed 44934
as a teacher in a pre-kindergarten classroom, and one person 44935
shall be a teacher who serves on a local professional 44936
development committee pursuant to section 3319.22 of the Revised 44937
Code. At least one person appointed under this division shall 44938
hold a teaching certificate or license issued by the national 44939
board for professional teaching standards. The Ohio education 44940
association shall submit a list of fourteen nominees for these 44941
appointments and the state board may appoint up to seven members 44942
to the educator standards board from that list. The Ohio 44943
federation of teachers shall submit a list of six nominees for 44944
these appointments and the state board may appoint up to three 44945
members to the educator standards board from that list. If there 44946
is an insufficient number of nominees from both lists to satisfy 44947
the membership requirements of this division, the state board 44948
shall request additional nominees who satisfy those 44949
requirements. 44950

(b) One person employed as a teacher in a chartered, 44951
nonpublic school. Stakeholder groups selected by the state board 44952
shall submit a list of two nominees for this appointment. 44953

(c) Five persons employed as school administrators in a 44954
school district. Of those five persons, one person shall be 44955
employed as a secondary school principal, one person shall be 44956
employed as a middle school principal, one person shall be 44957
employed as an elementary school principal, one person shall be 44958
employed as a school district treasurer or business manager, and 44959
one person shall be employed as a school district 44960
superintendent. The buckeye association of school administrators 44961
shall submit a list of two nominees for the school district 44962
superintendent, the Ohio association of school business 44963
officials shall submit a list of two nominees for the school 44964
district treasurer or business manager, the Ohio association of 44965
elementary school administrators shall submit a list of two 44966
nominees for the elementary school principal, and the Ohio 44967
association of secondary school administrators shall submit a 44968
list of two nominees for the middle school principal and a list 44969
of two nominees for the secondary school principal. 44970

(d) One person who is a member of a school district board 44971
of education. The Ohio school boards association shall submit a 44972
list of two nominees for this appointment. 44973

(e) One person who is a parent of a student currently 44974
enrolled in a school operated by a school district. The Ohio 44975
parent teacher association shall submit a list of two nominees 44976
for this appointment. 44977

(f) One person who represents community schools 44978
established under Chapter 3314. of the Revised Code. 44979

(2) The chancellor of higher education shall appoint three 44980
persons employed by institutions of higher education that offer 44981
educator preparation programs. One person shall be employed by 44982
an institution of higher education that has a certificate of 44983
authorization under Chapter 1713. of the Revised Code; one 44984
person shall be employed by a state university, as defined in 44985
section 3345.011 of the Revised Code, or a university branch; 44986
and one person shall be employed by a state community college, 44987
community college, or technical college. Of the two persons 44988
appointed from an institution of higher education that has a 44989
certificate of authorization under Chapter 1713. of the Revised 44990
Code and from a state university or university branch: 44991

(a) One shall be a representative of the Ohio association 44992
of private colleges for teacher education, or its successor 44993
organization. 44994

(b) One shall be a representative of the state university 44995
education deans of Ohio, or its successor organization. 44996

The chancellor shall appoint a representative from each of 44997
the organizations specified in divisions (A) (2) (a) and (b) of 44998
this section not later than sixty days after ~~the effective date~~ 44999
~~of this amendment~~ April 6, 2023. Each representative shall serve 45000
a two-year term beginning July 1, 2023. 45001

(3) The speaker of the house of representatives shall 45002
appoint two persons who are active in or retired from the 45003
education profession. 45004

(4) The president of the senate shall appoint two persons 45005
who are active in or retired from the education profession. 45006

(5) The superintendent of public instruction ~~or a designee~~ 45007
~~of the superintendent~~, the chancellor of higher education ~~or a~~ 45008

~~designee of the chancellor, the director of education and~~ 45009
~~workforce, their designees,~~ and the chairpersons and the ranking 45010
minority members of the education committees of the senate and 45011
house of representatives shall serve as nonvoting, ex officio 45012
members. 45013

(B) Terms of office shall be for two years. Each member 45014
shall hold office from the date of the member's appointment 45015
until the end of the term for which the member was appointed. At 45016
the first meeting, appointed members shall select a chairperson 45017
and a vice-chairperson. Vacancies on the board shall be filled 45018
in the same manner as prescribed for appointments under division 45019
(A) of this section. Any member appointed to fill a vacancy 45020
occurring prior to the expiration of the term for which the 45021
member's predecessor was appointed shall hold office for the 45022
remainder of such term. Any member shall continue in office 45023
subsequent to the expiration date of the member's term until the 45024
member's successor takes office, or until a period of sixty days 45025
has elapsed, whichever occurs first. The terms of office of 45026
members are renewable. 45027

(C) Members shall receive no compensation for their 45028
services. 45029

(D) The board shall establish guidelines for its 45030
operation. These guidelines shall permit the creation of 45031
standing subcommittees when necessary. The board shall determine 45032
the membership of any subcommittee it creates. The board may 45033
select persons who are not members of the board to participate 45034
in the deliberations of any subcommittee as representatives of 45035
stakeholder groups, but no such person shall vote on any issue 45036
before the subcommittee. 45037

Sec. 3319.61. (A) The educator standards board, in 45038

consultation with the chancellor of higher education, shall do 45039
all of the following: 45040

(1) Develop state standards for teachers and principals 45041
that reflect what teachers and principals are expected to know 45042
and be able to do at all stages of their careers. These 45043
standards shall be aligned with the statewide academic content 45044
standards for students adopted pursuant to section 3301.079 of 45045
the Revised Code, be primarily based on educator performance 45046
instead of years of experience or certain courses completed, and 45047
rely on evidence-based factors. These standards shall also be 45048
aligned with the operating standards adopted under division (D) 45049
(3) of section 3301.07 of the Revised Code. 45050

(a) The standards for teachers shall reflect the following 45051
additional criteria: 45052

(i) Alignment with the interstate new teacher assessment 45053
and support consortium standards; 45054

(ii) Differentiation among novice, experienced, and 45055
advanced teachers; 45056

(iii) Reliance on competencies that can be measured; 45057

(iv) Reliance on content knowledge, teaching skills, 45058
discipline-specific teaching methods, and requirements for 45059
professional development; 45060

(v) Alignment with a career-long system of professional 45061
development and evaluation that ensures teachers receive the 45062
support and training needed to achieve the teaching standards as 45063
well as reliable feedback about how well they meet the 45064
standards; 45065

(vi) The standards under section 3301.079 of the Revised 45066

Code, including standards on collaborative learning environments	45067
and interdisciplinary, project-based, real-world learning and	45068
differentiated instruction;	45069
(vii) The Ohio leadership framework.	45070
(b) The standards for principals shall be aligned with the	45071
interstate school leaders licensing consortium standards.	45072
(2) Develop standards for school district superintendents	45073
that reflect what superintendents are expected to know and be	45074
able to do at all stages of their careers. The standards shall	45075
reflect knowledge of systems theory and effective management	45076
principles and be aligned with the buckeye association of school	45077
administrators standards and the operating standards developed	45078
under division (D) (3) of section 3301.07 of the Revised Code.	45079
(3) Develop standards for school district treasurers and	45080
business managers that reflect what treasurers and business	45081
managers are expected to know and be able to do at all stages of	45082
their careers. The standards shall reflect knowledge of systems	45083
theory and effective management principles and be aligned with	45084
the association of school business officials international	45085
standards and the operating standards developed under division	45086
(D) (3) of section 3301.07 of the Revised Code.	45087
(4) Develop standards for the renewal of licenses under	45088
sections 3301.074 and 3319.22 of the Revised Code;	45089
(5) Develop standards for educator professional	45090
development;	45091
(6) Investigate and make recommendations for the creation,	45092
expansion, and implementation of school building and school	45093
district leadership academies;	45094

(7) Develop standards for school counselors that reflect 45095
what school counselors are expected to know and be able to do at 45096
all stages of their careers. The standards shall reflect 45097
knowledge of academic, personal, and social counseling for 45098
students and effective principles to implement an effective 45099
school counseling program. The standards also shall reflect 45100
Ohio-specific knowledge of career counseling for students and 45101
education options that provide flexibility for earning credit, 45102
such as earning units of high school credit using the methods 45103
adopted by the ~~state board~~ department of education and workforce 45104
under division (J) of section 3313.603 of the Revised Code and 45105
earning college credit through the college credit plus program 45106
established under Chapter 3365. of the Revised Code and the 45107
career-technical education credit transfer criteria, policies, 45108
and procedures established under section 3333.162 of the Revised 45109
Code. The standards shall align with the American school 45110
counselor association's professional standards and the operating 45111
standards developed under division (D) (3) of section 3301.07 of 45112
the Revised Code. 45113

The director of education and workforce, superintendent of 45114
public instruction, the chancellor of higher education, or the 45115
education standards board itself may request that the educator 45116
standards board update, review, or reconsider any standards 45117
developed under this section. 45118

(B) The educator standards board shall incorporate 45119
indicators of cultural competency into the standards developed 45120
under division (A) of this section. For this purpose, the 45121
educator standards board shall develop a definition of cultural 45122
competency based upon content and experiences that enable 45123
educators to know, understand, and appreciate the students, 45124
families, and communities that they serve and skills for 45125

addressing cultural diversity in ways that respond equitably and 45126
appropriately to the cultural needs of individual students. 45127

(C) In developing the standards under division (A) of this 45128
section, the educator standards board shall consider the impact 45129
of the standards on closing the achievement gap between students 45130
of different subgroups. 45131

(D) In developing the standards under division (A) of this 45132
section, the educator standards board shall ensure both of the 45133
following: 45134

(1) That teachers have sufficient knowledge to provide 45135
appropriate instruction for students identified as gifted 45136
pursuant to Chapter 3324. of the Revised Code and to assist in 45137
the identification of such students, and have sufficient 45138
knowledge that will enable teachers to provide learning 45139
opportunities for all children to succeed; 45140

(2) That principals, superintendents, school treasurers, 45141
and school business managers have sufficient knowledge to 45142
provide principled, collaborative, foresighted, and data-based 45143
leadership that will provide learning opportunities for all 45144
children to succeed. 45145

(E) The standards for educator professional development 45146
developed under division (A) (5) of this section shall include 45147
the following: 45148

(1) Standards for the inclusion of local professional 45149
development committees established under section 3319.22 of the 45150
Revised Code in the planning and design of professional 45151
development; 45152

(2) Standards that address the crucial link between 45153
academic achievement and mental health issues. 45154

(F) The educator standards board shall also perform the 45155
following functions: 45156

(1) Monitor compliance with the standards developed under 45157
division (A) of this section and make recommendations to the 45158
state board of education for appropriate corrective action if 45159
such standards are not met; 45160

(2) Research, develop, and recommend policies on the 45161
professions of teaching and school administration; 45162

(3) Recommend policies to close the achievement gap 45163
between students of different subgroups; 45164

(4) Define a "master teacher" in a manner that can be used 45165
uniformly by all school districts; 45166

(5) Adopt criteria that a candidate for a lead 45167
professional educator license under section 3319.22 of the 45168
Revised Code who does not hold a valid certificate issued by the 45169
national board for professional teaching standards must meet to 45170
be considered a lead teacher for purposes of division (B) (4) (d) 45171
of that section. It is the intent of the general assembly that 45172
the educator standards board shall adopt multiple, equal- 45173
weighted criteria to use in determining whether a person is a 45174
lead teacher. The criteria shall be in addition to the other 45175
standards and qualifications prescribed in division (B) (4) of 45176
section 3319.22 of the Revised Code. The criteria may include, 45177
but shall not be limited to, completion of educational levels 45178
beyond a master's degree or other professional development 45179
courses or demonstration of a leadership role in the teacher's 45180
school building or district. The board shall determine the 45181
number of criteria that a teacher shall satisfy to be recognized 45182
as a lead teacher, which shall not be the total number of 45183

criteria adopted by the board.	45184
(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section.	45185 45186 45187
(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into each of the following:	45188 45189 45190 45191
(a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised Code;	45192 45193 45194 45195
(b) The Ohio teacher residency program established under section 3319.223 of the Revised Code;	45196 45197
(c) The model teacher and principal evaluation instruments and processes developed under division (F) (6) of this section.	45198 45199
(G) The educator standards board shall submit recommendations of standards developed under division (A) of this section to the state board of education not later than September 1, 2010. The state board of education shall review those recommendations at the state board's regular meeting that next succeeds the date that the recommendations are submitted to the state board. At that meeting, the state board of education shall vote to either adopt standards based on those recommendations or request that the educator standards board reconsider its recommendations. The state board of education shall articulate reasons for requesting reconsideration of the recommendations but shall not direct the content of the recommendations. The educator standards board shall reconsider	45200 45201 45202 45203 45204 45205 45206 45207 45208 45209 45210 45211 45212

~~its recommendations if the state board of education so requests,~~ 45213
~~may revise the recommendations, and shall resubmit the~~ 45214
~~recommendations, whether revised or not, to the state board not~~ 45215
~~later than two weeks prior to the state board's regular meeting~~ 45216
~~that next succeeds the meeting at which the state board~~ 45217
~~requested reconsideration of the initial recommendations. The~~ 45218
~~state board of education shall review the recommendations as~~ 45219
~~resubmitted by the educator standards board at the state board's~~ 45220
~~regular meeting that next succeeds the meeting at which the~~ 45221
~~state board requested reconsideration of the initial~~ 45222
~~recommendations and may adopt the standards as resubmitted or,~~ 45223
~~if the resubmitted standards have not addressed the state~~ 45224
~~board's concerns, the state board may modify the standards prior~~ 45225
~~to adopting them. The final responsibility to determine whether~~ 45226
~~to adopt standards as described in division (A) of this section~~ 45227
~~and the content of those standards, if adopted, belongs solely~~ 45228
~~to the state board of education.~~ 45229

Sec. 3319.611. The subcommittee on standards for 45230
superintendents of the education standards board is hereby 45231
established. The subcommittee shall consist of the following 45232
members: 45233

(A) The school district superintendent appointed to the 45234
educator standards board under section 3319.60 of the Revised 45235
Code, who shall act as chairperson of the subcommittee; 45236

(B) Three additional school district superintendents 45237
appointed by the state board of education, for terms of two 45238
years. The buckeye association of school administrators shall 45239
submit a list of six nominees for appointments under this 45240
section. 45241

(C) Three additional members of the educator standards 45242

board, appointed by the chairperson of the educator standards board; 45243
45244

(D) The superintendent of public instruction ~~and, the~~ 45245
chancellor of ~~the Ohio board of regents~~ higher education, and the 45246
director of education and workforce, or their designees, who 45247
shall serve as nonvoting, ex officio members of the 45248
subcommittee. 45249

Members of the subcommittee shall receive no compensation 45250
for their services. The members appointed under divisions (B) 45251
and (C) of this section may be reappointed. 45252

The subcommittee shall assist the educator standards board 45253
in developing the standards for superintendents and with any 45254
additional matters the educator standards board directs the 45255
subcommittee to examine. 45256

Sec. 3319.612. The subcommittee on standards for school 45257
treasurers and business managers of the educator standards board 45258
is hereby established. The subcommittee shall consist of the 45259
following members: 45260

(A) The school district treasurer or business manager 45261
appointed to the educator standards board under section 3319.60 45262
of the Revised Code, who shall act as chairperson of the 45263
subcommittee; 45264

(B) Three additional school district treasurers or 45265
business managers appointed by the state board of education for 45266
terms of two years. The Ohio association of school business 45267
officials shall submit a list of six nominees for appointments 45268
under this section. 45269

(C) Three additional members of the educator standards 45270
board, appointed by the chairperson of the educator standards 45271

board; 45272

(D) The superintendent of public instruction ~~and, the~~ 45273
chancellor of ~~the Ohio board of regents~~ higher education, and the 45274
director of education and workforce, or their designees, who 45275
shall serve as nonvoting, ex officio members of the 45276
subcommittee. 45277

Members of the subcommittee shall receive no compensation 45278
for their services. The members appointed under divisions (B) 45279
and (C) of this section may be reappointed. 45280

The subcommittee shall assist the educator standards board 45281
in developing the standards for school treasurers and business 45282
managers and with any additional matters the educator standards 45283
board directs the subcommittee to examine. 45284

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 45285
"guardian," or "other person having charge or care of a child" 45286
means either parent unless the parents are separated or divorced 45287
or their marriage has been dissolved or annulled, in which case 45288
"parent" means the parent who is the residential parent and 45289
legal custodian of the child. If the child is in the legal or 45290
permanent custody of a person or government agency, "parent" 45291
means that person or government agency. When a child is a 45292
resident of a home, as defined in section 3313.64 of the Revised 45293
Code, and the child's parent is not a resident of this state, 45294
"parent," "guardian," or "other person having charge or care of 45295
a child" means the head of the home. 45296

A child between six and eighteen years of age is "of 45297
compulsory school age" for the purpose of sections 3321.01 to 45298
3321.13 of the Revised Code. A child under six years of age who 45299
has been enrolled in kindergarten also shall be considered "of 45300

compulsory school age" for the purpose of sections 3321.01 to 45301
3321.13 of the Revised Code unless at any time the child's 45302
parent or guardian, at the parent's or guardian's discretion and 45303
in consultation with the child's teacher and principal, formally 45304
withdraws the child from kindergarten. The compulsory school age 45305
of a child shall not commence until the beginning of the term of 45306
such schools, or other time in the school year fixed by the 45307
rules of the board of the district in which the child resides. 45308

(2) In a district in which all children are admitted to 45309
kindergarten and the first grade in August or September, a child 45310
shall be admitted if the child is five or six years of age, 45311
respectively, by the thirtieth day of September of the year of 45312
admittance, or by the first day of a term or semester other than 45313
one beginning in August or September in school districts 45314
granting admittance at the beginning of such term or semester. A 45315
child who does not meet the age requirements of this section for 45316
admittance to kindergarten or first grade, but who will be five 45317
or six years old, respective, prior to the first day of January 45318
of the school year in which admission is requested, shall be 45319
evaluated for early admittance in accordance with district 45320
policy upon referral by the child's parent or guardian, an 45321
educator employed by the district, a preschool educator who 45322
knows the child, or a pediatrician or psychologist who knows the 45323
child. Following an evaluation in accordance with a referral 45324
under this section, the district board shall decide whether to 45325
admit the child. If a child for whom admission to kindergarten 45326
or first grade is requested will not be five or six years of 45327
age, respectively, prior to the first day of January of the 45328
school year in which admission is requested, the child shall be 45329
admitted only in accordance with the district's acceleration 45330
policy adopted under section 3324.10 of the Revised Code. 45331

(3) Notwithstanding division (A)(2) of this section, 45332
beginning with the school year that starts in 2001 and 45333
continuing thereafter the board of education of any district may 45334
adopt a resolution establishing the first day of August in lieu 45335
of the thirtieth day of September as the required date by which 45336
students must have attained the age specified in that division. 45337

(4) After a student has been admitted to kindergarten in a 45338
school district or chartered nonpublic school, no board of 45339
education of a school district to which the student transfers 45340
shall deny that student admission based on the student's age. 45341

(B) As used in division (C) of this section, "successfully 45342
completed kindergarten" means that the child has completed the 45343
kindergarten requirements at one of the following: 45344

(1) A public or chartered nonpublic school; 45345

(2) A kindergarten class that is both of the following: 45346

(a) Offered by a day-care provider licensed under Chapter 45347
5104. of the Revised Code; 45348

(b) If offered after July 1, 1991, is directly taught by a 45349
teacher who holds one of the following: 45350

(i) A valid educator license issued under section 3319.22 45351
of the Revised Code; 45352

(ii) A Montessori preprimary credential or age-appropriate 45353
diploma granted by the American Montessori society or the 45354
association Montessori internationale; 45355

(iii) Certification determined under division (F) of this 45356
section to be equivalent to that described in division (B)(2)(b) 45357

(ii) of this section; 45358

(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code. 45359
45360

(C) (1) Except as provided in division (A) (2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten. 45361
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(2) Notwithstanding division (A) (2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade. 45364
45365
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(D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district. 45368
45369
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(E) Any kindergarten class offered by a day-care provider or school described by division (B) (1) or (B) (2) (a) of this section shall be developmentally appropriate. 45372
45373
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(F) Upon written request of a day-care provider described by division (B) (2) (a) of this section, the department of education and workforce shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B) (2) (b) (iii) of this section and, if so, shall furnish the provider a statement to that effect. 45375
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(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code. 45381
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(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The 45383
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department shall adjust the district's average daily membership 45388
certification under section 3317.03 of the Revised Code by one- 45389
half of the full-time equivalency for each student charged fees 45390
or tuition for all-day kindergarten under this division. If a 45391
district charges fees or tuition for all-day kindergarten under 45392
this division, the district shall develop a sliding fee scale 45393
based on family incomes. 45394

(2) The department ~~of education~~ shall conduct an annual 45395
survey of each school district described in division (G) (1) of 45396
this section to determine the following: 45397

(a) Whether the district charges fees or tuition for 45398
students enrolled in all-day kindergarten; 45399

(b) The amount of the fees or tuition charged; 45400

(c) How many of the students for whom tuition is charged 45401
are eligible for free lunches under the "National School Lunch 45402
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 45403
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 45404
amended, and how many of the students for whom tuition is 45405
charged are eligible for reduced price lunches under those acts; 45406

(d) How many students are enrolled in traditional half-day 45407
kindergarten rather than all-day kindergarten. 45408

Each district shall report to the department, in the 45409
manner prescribed by the department, the information described 45410
in divisions (G) (2) (a) to (d) of this section. 45411

The department shall issue an annual report on the results 45412
of the survey and shall post the report on its web site. The 45413
department shall issue the first report not later than April 30, 45414
2008, and shall issue a report not later than the thirtieth day 45415
of April each year thereafter. 45416

Sec. 3321.03. As used in this section and section 3321.04 45417
of the Revised Code, "special education program" means a school 45418
or the educational agency that provides special education and 45419
related services to children with disabilities in accordance 45420
with Chapter 3323. of the Revised Code. 45421

Except as provided in this section, the parent of a child 45422
of compulsory school age shall cause such child to attend a 45423
school in the school district in which the child is entitled to 45424
attend school under division (B) or (F) of section 3313.64 or 45425
section 3313.65 of the Revised Code, to participate in a special 45426
education program under Chapter 3323. of the Revised Code, or to 45427
otherwise cause the child to be instructed in accordance with 45428
law. Every child of compulsory school age shall attend a school 45429
or participate in a special education program that conforms to 45430
the minimum standards prescribed by the ~~state board~~ director of 45431
education and workforce until the child: 45432

(A) Receives a diploma granted by the board of education 45433
or other governing authority, successfully completes the 45434
curriculum of any high school, or successfully completes the 45435
individualized education program developed for the student by 45436
any high school pursuant to Chapter 3323. of the Revised Code; 45437

(B) Receives an age and schooling certificate as provided 45438
in section 3331.01 of the Revised Code; or 45439

(C) Is excused from school under standards adopted by the 45440
~~state board~~ department of education and workforce pursuant to 45441
section 3321.04 or 3321.042 of the Revised Code, or if in need 45442
of special education, the child is excused from such programs 45443
pursuant to section 3321.04 of the Revised Code. 45444

Sec. 3321.04. Notwithstanding division (D) of section 45445

3311.19 and division (D) of section 3311.52 of the Revised Code, 45446
this section does not apply to any joint vocational or 45447
cooperative education school district or its superintendent. 45448

Every parent of any child of compulsory school age who is 45449
not employed under an age and schooling certificate or exempt 45450
under section 3321.042 of the Revised Code must send such child 45451
to a school or a special education program that conforms to the 45452
minimum standards prescribed by the ~~state board~~ director of 45453
education and workforce, for the full time the school or program 45454
attended is in session, which shall not be for less than thirty- 45455
two weeks per school year. Such attendance must begin within the 45456
first week of the school term or program or within one week of 45457
the date on which the child begins to reside in the district or 45458
within one week after the child's withdrawal from employment. 45459

For the purpose of operating a school or program on a 45460
trimester plan, "full time the school attended is in session," 45461
as used in this section means the two trimesters to which the 45462
child is assigned by the board of education. For the purpose of 45463
operating a school or program on a quarterly plan, "full time 45464
the school attended is in session," as used in this section, 45465
means the three quarters to which the child is assigned by the 45466
board of education. For the purpose of operating a school or 45467
program on a pentamester plan, "full time the school is in 45468
session," as used in this section, means the four pentamesters 45469
to which the child is assigned by the board of education. 45470

Excuses from future attendance at or past absence from 45471
school or a special education program may be granted for the 45472
causes, by the authorities, and under the following conditions: 45473

(A) The superintendent of the school district in which the 45474
child resides may excuse the child from attendance for any part 45475

of the remainder of the current school year upon a satisfactory 45476
showing ~~of either of the following facts:~~ 45477

~~(1) That~~ that the child's bodily or mental condition does 45478
not permit attendance at school or a special education program 45479
during such period; this fact is certified in writing by a 45480
licensed physician or, in the case of a mental condition, by a 45481
licensed physician, a licensed psychologist, licensed school 45482
psychologist or a certificated school psychologist; and 45483
provision is made for appropriate instruction of the child, in 45484
accordance with Chapter 3323. of the Revised Code, 45485

~~(2) That the child is being instructed at home by a person~~ 45486
~~qualified to teach the branches in which instruction is~~ 45487
~~required, and such additional branches, as the advancement and~~ 45488
~~needs of the child may, in the opinion of such superintendent,~~ 45489
~~require. In each such case the .~~ The issuing superintendent 45490
shall file in the superintendent's office, with a copy of the 45491
excuse, papers showing how the inability of the child to attend 45492
school or a special education program ~~or the qualifications of~~ 45493
~~the person instructing the child at home were determined.~~ All 45494
such excuses shall become void and subject to recall upon the 45495
removal of the disability of the child ~~or the cessation of~~ 45496
~~proper home instruction;~~ and thereupon the child or the child's 45497
parents may be proceeded against after due notice whether such 45498
excuse be recalled or not. 45499

(B) ~~The state board~~ department of education and workforce 45500
may adopt rules authorizing the superintendent of schools of the 45501
district in which the child resides to excuse a child over 45502
fourteen years of age from attendance for a future limited 45503
period for the purpose of performing necessary work directly and 45504
exclusively for the child's parents or legal guardians. 45505

All excuses provided for in divisions (A) and (B) of this section shall be in writing and shall show the reason for excusing the child. A copy thereof shall be sent to the person in charge of the child.

(C) The board of education of the school district or the governing authorities of a private or parochial school may in the rules governing the discipline in such schools, prescribe the authority by which and the manner in which any child may be excused for absence from such school for good and sufficient reasons.

The ~~state board of education department~~ may by rule prescribe conditions governing the issuance of excuses, which shall be binding upon the authorities empowered to issue them.

Sec. 3321.042. (A) A child is exempt from compulsory school attendance when receiving home education in the subject areas of English language arts, mathematics, science, history and government, and social studies as supervised and directed by the child's parent. Upon the commencement of home education or when moving into a new district, and annually thereafter within five days of the start of school in the child's school district of residence, the parent shall file a notice with the superintendent of the child's school district of residence. The notice shall include the parent's name and address, the child's name, and an assurance the child will receive instruction in the required subjects. Upon receipt of the notice, the exemption takes immediate effect, and the superintendent shall send a letter of acknowledgment to the parent.

(B) A student that enrolls in a public school following any period of home education shall be placed in the appropriate grade level based on the policies of the student's resident

school district. 45536

(C) A student who is receiving a home education pursuant 45537
to this section is subject to section 3321.19 of the Revised 45538
Code. 45539

Sec. 3321.07. If any child attends upon instruction 45540
elsewhere than in a public school such instruction shall be in a 45541
school which conforms to the minimum standards prescribed by the 45542
~~state board~~ director of education and workforce. The hours and 45543
term of attendance exacted shall be equivalent to the hours and 45544
term of attendance required of children in the public schools of 45545
the district. This section does not require a child to attend a 45546
high school instead of a vocational, commercial, or other 45547
special type of school, provided the instruction therein is for 45548
a term and for hours equivalent to those of the high school, and 45549
provided ~~his~~ the child's attendance at such school will not 45550
interfere with a continuous program of education for the child 45551
to the age of sixteen. 45552

Sec. 3321.09. Attendance at a part-time school or class 45553
provided by an employer, by a partnership, corporation, or 45554
individual, by a private or parochial school, by a college, or 45555
by a philanthropic or similar agency shall serve in lieu of 45556
attendance at a part-time school or class provided by a board of 45557
education in case the given school or class is conducted for 45558
substantially a term and hours equivalent to those of the part- 45559
time schools or classes provided by the local board, and in case 45560
the school or class is approved by the ~~state board~~ department of 45561
education and workforce. When such school or class is conducted 45562
within or in connection with the establishment in which the 45563
child is working the obligation of attendance at part-time 45564
school or class indicated in section 3321.08 of the Revised 45565

Code, shall apply to the children holding age and schooling certificates who are employed in the given establishment regardless of the accessibility of public part-time schools or classes.

Sec. 3321.12. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section that require reporting to the treasurer of a city school district do not require reporting to the treasurer of any joint vocational or cooperative education school district.

The principal or teacher in charge of any public, private, or parochial school, shall report to the treasurer of the board of education of the city, local, or exempted village school district in which the school is situated, the names, ages, and places of residence of all pupils below eighteen years of age in attendance at their schools together with such other facts as said treasurer requires to facilitate the carrying out of the laws relating to compulsory education and the employment of minors. Such report shall be made within the first two weeks of the beginning of school in each school year, and shall be corrected with the entry of such items as are prescribed by the ~~state board~~ department of education and workforce within the first week of each subsequent school month of the year.

Nothing in this section shall require any person to release, or to permit access to, public school records in violation of section 3319.321 of the Revised Code.

Sec. 3321.13. (A) Whenever any child of compulsory school age withdraws from school the teacher of that child shall ascertain the reason for withdrawal. The fact of the withdrawal and the reason for it shall be immediately transmitted by the

teacher to the superintendent of the city, local, or exempted 45596
village school district. If the child who has withdrawn from 45597
school has done so because of change of residence, the next 45598
residence shall be ascertained and shall be included in the 45599
notice thus transmitted. The superintendent shall thereupon 45600
forward a card showing the essential facts regarding the child 45601
and stating the place of the child's new residence to the 45602
superintendent of schools of the district to which the child has 45603
moved. 45604

The ~~superintendent of public instruction~~ department of 45605
education and workforce may prescribe the forms to be used in 45606
the operation of this division. 45607

(B) (1) Upon receipt of information that a child of 45608
compulsory school age has withdrawn from school for a reason 45609
other than because of change of residence and is not enrolled in 45610
and attending in accordance with school policy an approved 45611
program to obtain a diploma or its equivalent, the district 45612
superintendent shall notify the registrar of motor vehicles and 45613
the juvenile judge of the county in which the district is 45614
located of the withdrawal and failure to enroll in and attend an 45615
approved program to obtain a diploma or its equivalent. A 45616
notification to the registrar required by this division shall be 45617
given in the manner the registrar by rule requires and a 45618
notification to the juvenile judge required by this division 45619
shall be given in writing. Each notification shall be given 45620
within two weeks after the withdrawal and failure to enroll in 45621
and attend an approved program or its equivalent. 45622

(2) The board of education of a school district may adopt 45623
a resolution providing that the provisions of division (B) (2) of 45624
this section apply within the district. The provisions of 45625

division (B) (2) of this section do not apply within any school 45626
district, and no superintendent of a school district shall send 45627
a notification of the type described in division (B) (2) of this 45628
section to the registrar of motor vehicles or the juvenile judge 45629
of the county in which the district is located, unless the board 45630
of education of the district has adopted such a resolution. If 45631
the board of education of a school district adopts a resolution 45632
providing that the provisions of division (B) (2) of this section 45633
apply within the district, and if the superintendent of schools 45634
of that district receives information that, during any semester 45635
or term, a child of compulsory school age has been absent 45636
without legitimate excuse from the school the child is supposed 45637
to attend for more than sixty consecutive hours in a single 45638
month or for at least ninety hours in a school year, the 45639
superintendent shall notify the child and the child's parent, 45640
guardian, or custodian, in writing, that the information has 45641
been provided to the superintendent, that as a result of that 45642
information the child's temporary instruction permit or driver's 45643
license will be suspended or the opportunity to obtain such a 45644
permit or license will be denied, and that the child and the 45645
child's parent, guardian, or custodian may appear in person at a 45646
scheduled date, time, and place before the superintendent or a 45647
designee to challenge the information provided to the 45648
superintendent. 45649

The notification to the child and the child's parent, 45650
guardian, or custodian required by division (B) (2) of this 45651
section shall set forth the information received by the 45652
superintendent and shall inform the child and the child's 45653
parent, guardian, or custodian of the scheduled date, time, and 45654
place of the appearance that they may have before the 45655
superintendent or a designee. The date scheduled for the 45656

appearance shall be no earlier than three and no later than five 45657
days after the notification is given, provided that an extension 45658
may be granted upon request of the child or the child's parent, 45659
guardian, or custodian. If an extension is granted, the 45660
superintendent shall schedule a new date, time, and place for 45661
the appearance and shall inform the child and the child's 45662
parent, guardian, or custodian of the new date, time, and place. 45663

If the child and the child's parent, guardian, or 45664
custodian do not appear before the superintendent or a designee 45665
on the scheduled date and at the scheduled time and place, or if 45666
the child and the child's parent, guardian, or custodian appear 45667
before the superintendent or a designee on the scheduled date 45668
and at the scheduled time and place but the superintendent or a 45669
designee determines that the information the superintendent 45670
received indicating that, during the semester or term, the child 45671
had been absent without legitimate excuse from the school the 45672
child was supposed to attend for more than sixty consecutive 45673
hours or for at least ninety total hours, the superintendent 45674
shall notify the registrar of motor vehicles and the juvenile 45675
judge of the county in which the district is located that the 45676
child has been absent for that period of time and that the child 45677
does not have any legitimate excuse for the habitual absence. A 45678
notification to the registrar required by this division shall be 45679
given in the manner the registrar by rule requires and a 45680
notification to the juvenile judge required by this division 45681
shall be given in writing. Each notification shall be given 45682
within two weeks after the receipt of the information of the 45683
habitual absence from school without legitimate excuse, or, if 45684
the child and the child's parent, guardian, or custodian appear 45685
before the superintendent or a designee to challenge the 45686
information, within two weeks after the appearance. 45687

For purposes of division (B) (2) of this section, a 45688
legitimate excuse for absence from school includes, but is not 45689
limited to, the fact that the child in question has enrolled in 45690
another school or school district in this or another state, the 45691
fact that the child in question was excused from attendance for 45692
any of the reasons specified in section 3321.04 or 3321.042 of 45693
the Revised Code, or the fact that the child in question has 45694
received an age and schooling certificate in accordance with 45695
section 3331.01 of the Revised Code. 45696

(3) Whenever a pupil is suspended or expelled from school 45697
pursuant to section 3313.66 of the Revised Code and the reason 45698
for the suspension or expulsion is the use or possession of 45699
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 45700
superintendent of schools of that district may notify the 45701
registrar and the juvenile judge of the county in which the 45702
district is located of such suspension or expulsion. Any such 45703
notification of suspension or expulsion shall be given to the 45704
registrar, in the manner the registrar by rule requires and 45705
shall be given to the juvenile judge in writing. The 45706
notifications shall be given within two weeks after the 45707
suspension or expulsion. 45708

(4) Whenever a pupil is suspended, expelled, removed, or 45709
permanently excluded from a school for misconduct included in a 45710
policy that the board of education of a city, exempted village, 45711
or local school district has adopted under division (A) of 45712
section 3313.661 of the Revised Code, and the misconduct 45713
involves a firearm or a knife or other weapon as defined in that 45714
policy, the superintendent of schools of that district shall 45715
notify the registrar and the juvenile judge of the county in 45716
which the district is located of the suspension, expulsion, 45717
removal, or permanent exclusion. The notification shall be given 45718

to the registrar in the manner the registrar, by rule, requires 45719
and shall be given to the juvenile judge in writing. The 45720
notifications shall be given within two weeks after the 45721
suspension, expulsion, removal, or permanent exclusion. 45722

(C) A notification of withdrawal, habitual absence without 45723
legitimate excuse, suspension, or expulsion given to the 45724
registrar or a juvenile judge under division (B) (1), (2), (3), 45725
or (4) of this section shall contain the name, address, date of 45726
birth, school, and school district of the child. If the 45727
superintendent finds, after giving a notification of withdrawal, 45728
habitual absence without legitimate excuse, suspension, or 45729
expulsion to the registrar and the juvenile judge under division 45730
(B) (1), (2), (3), or (4) of this section, that the notification 45731
was given in error, the superintendent immediately shall notify 45732
the registrar and the juvenile judge of that fact. 45733

Sec. 3321.18. The attendance officer provided for by 45734
section 3321.14 or 3321.15 of the Revised Code shall institute 45735
proceedings against any officer, parent, guardian, or other 45736
person violating laws relating to compulsory education and the 45737
employment of minors, and otherwise discharge the duties 45738
described in sections 3321.14 to 3321.21 of the Revised Code, 45739
and perform any other service that the superintendent of schools 45740
or board of education of the district by which the attendance 45741
officer is employed considers necessary to preserve the morals 45742
and secure the good conduct of school children, and to enforce 45743
those laws. 45744

The attendance officer shall be furnished with copies of 45745
the enumeration in each school district in which the attendance 45746
officer serves and of the lists of pupils enrolled in the 45747
schools and shall report to the superintendent discrepancies 45748

between these lists and the enumeration. 45749

The attendance officer and assistants shall cooperate with 45750
the director of commerce in enforcing the laws relating to the 45751
employment of minors. The attendance officer shall furnish upon 45752
request any data that the attendance officer and the attendance 45753
officer's assistants have collected in their reports of children 45754
from six to eighteen years of age and also concerning employers 45755
to the director and upon request to the ~~state board department~~ 45756
of education and workforce. The attendance officer shall keep a 45757
record of the attendance officer's transactions for the 45758
inspection and information of the superintendent of schools and 45759
the board of education; and shall make reports to the 45760
superintendent of schools as often as required by the 45761
superintendent. The ~~state board of education department~~ may 45762
prescribe forms for the use of attendance officers in the 45763
performance of their duties. The blank forms and record books or 45764
indexes shall be furnished to the attendance officers by the 45765
boards of education by which they are employed. 45766

Sec. 3321.19. (A) As used in this section and section 45767
3321.191 of the Revised Code, "habitual truant" has the same 45768
meaning as in section 2151.011 of the Revised Code. 45769

(B) When a board of education of any city, exempted 45770
village, local, joint vocational, or cooperative education 45771
school district or the governing board of any educational 45772
service center determines that a student in its district has 45773
been truant and the parent, guardian, or other person having 45774
care of the child has failed to cause the student's attendance 45775
at school, the board may require the parent, guardian, or other 45776
person having care of the child pursuant to division (B) of this 45777
section to attend an educational program established pursuant to 45778

rules adopted by the ~~state board~~ department of education and 45779
workforce for the purpose of encouraging parental involvement in 45780
compelling the attendance of the child at school. 45781

No parent, guardian, or other person having care of a 45782
child shall fail without good cause to attend an educational 45783
program described in this division if the parent, guardian, or 45784
other person has been served notice pursuant to division (C) of 45785
this section. 45786

(C) On the request of the superintendent of schools, the 45787
superintendent of any educational service center, the board of 45788
education of any city, exempted village, local, joint 45789
vocational, or cooperative education school district, or the 45790
governing board of any educational service center or when it 45791
otherwise comes to the notice of the attendance officer or other 45792
appropriate officer of the school district, the attendance 45793
officer or other appropriate officer shall examine into any case 45794
of supposed truancy within the district and shall warn the 45795
child, if found truant, and the child's parent, guardian, or 45796
other person having care of the child, in writing, of the legal 45797
consequences of being truant. When any child of compulsory 45798
school age, in violation of law, is not attending school, the 45799
attendance or other appropriate officer shall notify the parent, 45800
guardian, or other person having care of that child of the fact, 45801
and require the parent, guardian, or other person to cause the 45802
child to attend school immediately. The parent, guardian, or 45803
other person having care of the child shall cause the child's 45804
attendance at school. Upon the failure of the parent, guardian, 45805
or other person having care of the child to do so, the 45806
attendance officer or other appropriate officer, if so directed 45807
by the superintendent, the district board, or the educational 45808
service center governing board, shall send notice requiring the 45809

attendance of that parent, guardian, or other person at a 45810
parental education program established pursuant to division (B) 45811
of this section and, subject to divisions (D) and (E) of this 45812
section, may file a complaint against the parent, guardian, or 45813
other person having care of the child in any court of competent 45814
jurisdiction. 45815

(D) (1) Upon the failure of the parent, guardian, or other 45816
person having care of the child to cause the child's attendance 45817
at school, if the child is considered an habitual truant, the 45818
board of education of the school district or the governing board 45819
of the educational service center, within ten days, subject to 45820
division (E) of this section, shall assign the student to an 45821
absence intervention team as described in division (C) of 45822
section 3321.191 of the Revised Code. 45823

(2) The attendance officer shall file a complaint in the 45824
juvenile court of the county in which the child has a residence 45825
or legal settlement or in which the child is supposed to attend 45826
school jointly against the child and the parent, guardian, or 45827
other person having care of the child, in accordance with the 45828
timelines and conditions set forth in division (B) of section 45829
3321.16 of the Revised Code. A complaint filed in the juvenile 45830
court under this division shall allege that the child is an 45831
unruly child for being an habitual truant and that the parent, 45832
guardian, or other person having care of the child has violated 45833
section 3321.38 of the Revised Code. 45834

(E) A school district with a chronic absenteeism 45835
percentage that is less than five per cent, as displayed on the 45836
district's most recent report card issued under section 3302.03 45837
of the Revised Code, and the school buildings within that 45838
district, shall be exempt from the requirement to assign 45839

habitually truant students to an absence intervention team for 45840
the following school year and shall instead take any appropriate 45841
action as an intervention strategy contained in the policy 45842
developed by the district board pursuant to divisions (A) and 45843
(B) of section 3321.191 of the Revised Code. In the event that 45844
those intervention strategies fail, within sixty-one days after 45845
their implementation, the attendance officer shall file a 45846
complaint, provided that the conditions described in division 45847
(B) of section 3321.16 of the Revised Code are satisfied. 45848

Sec. 3321.191. (A) Effective beginning with the 2017-2018 45849
school year, the board of education of each city, exempted 45850
village, local, joint vocational, and cooperative education 45851
school district and the governing board of each educational 45852
service center shall adopt a new or amended policy to guide 45853
employees of the school district or service center in addressing 45854
and ameliorating student absences. In developing the policy, the 45855
appropriate board shall consult with the judge of the juvenile 45856
court of the county or counties in which the district or service 45857
center is located, with the parents, guardians, or other persons 45858
having care of the pupils attending school in the district, and 45859
with appropriate state and local agencies. 45860

(B) The policy developed under division (A) of this 45861
section shall include as an intervention strategy all of the 45862
following actions, if applicable: 45863

(1) Providing a truancy intervention plan for any student 45864
who is excessively absent from school, as described in the first 45865
paragraph of division (C) of this section; 45866

(2) Providing counseling for an habitual truant; 45867

(3) Requesting or requiring a parent, guardian, or other 45868

person having care of an habitual truant to attend parental 45869
involvement programs, including programs adopted under section 45870
3313.472 or 3313.663 of the Revised Code; 45871

(4) Requesting or requiring a parent, guardian, or other 45872
person having care of an habitual truant to attend truancy 45873
prevention mediation programs; 45874

(5) Notification of the registrar of motor vehicles under 45875
section 3321.13 of the Revised Code; 45876

(6) Taking legal action under section 2919.222, 3321.20, 45877
or 3321.38 of the Revised Code. 45878

(C) (1) In the event that a child of compulsory school age 45879
is absent with a nonmedical excuse or without legitimate excuse 45880
from the public school the child is supposed to attend for 45881
thirty-eight or more hours in one school month, or sixty-five or 45882
more hours in a school year, the attendance officer of that 45883
school shall notify the child's parent, guardian, or custodian 45884
of the child's absences, in writing, within seven days after the 45885
date after the absence that triggered the notice requirement. At 45886
the time notice is given, the school also may take any 45887
appropriate action as an intervention strategy contained in the 45888
policy developed by the board pursuant to division (A) of this 45889
section. 45890

(2) (a) If the absences of a student surpass the threshold 45891
for an habitual truant as set forth in section 2151.011 of the 45892
Revised Code, the principal or chief administrator of the school 45893
or the superintendent of the school district shall assign the 45894
student to an absence intervention team. Within fourteen school 45895
days after the assignment of a student to an absence 45896
intervention team, the team shall develop an intervention plan 45897

for that student in an effort to reduce or eliminate further 45898
absences. Each intervention plan shall vary based on the 45899
individual needs of the student, but the plan shall state that 45900
the attendance officer shall file a complaint not later than 45901
sixty-one days after the date the plan was implemented, if the 45902
child has refused to participate in, or failed to make 45903
satisfactory progress on, the intervention plan or an 45904
alternative to adjudication under division (C)(2)(b) of section 45905
3321.191 of the Revised Code. Within seven days after the 45906
development of the plan, the school district or school shall 45907
make reasonable efforts to provide the student's parent, 45908
guardian, custodian, guardian ad litem, or temporary custodian 45909
with written notice of the plan. 45910

(b) As part of the absence intervention plan described in 45911
division (C)(2) of this section, the school district or school, 45912
in its discretion, may contact the appropriate juvenile court 45913
and ask to have a student informally enrolled in any alternative 45914
to adjudication described in division (G) of section 2151.27 of 45915
the Revised Code. If the school district or school chooses to 45916
have students informally enrolled in an alternative to 45917
adjudication, the school district or school shall develop a 45918
written policy regarding the use of, and selection process for, 45919
offering alternatives to adjudication to ensure fairness. 45920

(c) The superintendent of each school district, or the 45921
superintendent's designee, shall establish an absence 45922
intervention team for the district to be used by any schools of 45923
the district that do not establish their own absence 45924
intervention team as permitted under division (C)(2)(d) of this 45925
section. Membership of each absence intervention team may vary 45926
based on the needs of each individual student but shall include 45927
a representative from the child's school district or school, 45928

another representative from the child's school district or 45929
school who knows the child, and the child's parent or parent's 45930
designee, or the child's guardian, custodian, guardian ad litem, 45931
or temporary custodian. The team also may include a school 45932
psychologist, counselor, social worker, or representative of a 45933
public or nonprofit agency designed to assist students and their 45934
families in reducing absences. 45935

(d) The principal or chief administrator of each school 45936
may establish an absence intervention team or series of teams to 45937
be used in lieu of the district team established pursuant to 45938
division (C) (2) (c) of this section. Membership of each absence 45939
intervention team may vary based on the needs of each individual 45940
student but shall include a representative from the child's 45941
school district or school, another representative from the 45942
child's school district or school who knows the child, and the 45943
child's parent or parent's designee, or the child's guardian, 45944
custodian, guardian ad litem, or temporary custodian. The team 45945
also may include a school psychologist, counselor, social 45946
worker, or representative of a public or nonprofit agency 45947
designed to assist students and their families in reducing 45948
absences. 45949

(e) A superintendent, as described in division (C) (2) (c) 45950
of this section, or principal or chief administrator, as 45951
described in division (C) (2) (d) of this section, shall select 45952
the members of an absence intervention team within seven school 45953
days of the triggering event described in division (C) (2) (a) of 45954
this section. The superintendent, principal, or chief 45955
administrator, within the same period of seven school days, 45956
shall make at least three meaningful, good faith attempts to 45957
secure the participation of the student's parent, guardian, 45958
custodian, guardian ad litem, or temporary custodian on that 45959

team. If the student's parent responds to any of those attempts, 45960
but is unable to participate for any reason, the representative 45961
of the school district shall inform the parent of the parent's 45962
right to appear by designee. If seven school days elapse and the 45963
student's parent, guardian, custodian, guardian ad litem, or 45964
temporary custodian fails to respond to the attempts to secure 45965
participation, the school district or school shall do both of 45966
the following: 45967

(i) Investigate whether the failure to respond triggers 45968
mandatory reporting to the public children services agency for 45969
the county in which the child resides in the manner described in 45970
section 2151.421 of the Revised Code; 45971

(ii) Instruct the absence intervention team to develop an 45972
intervention plan for the child notwithstanding the absence of 45973
the child's parent, guardian, custodian, guardian ad litem, or 45974
temporary custodian. 45975

(f) In the event that a student becomes habitually truant 45976
within twenty-one school days prior to the last day of 45977
instruction of a school year, the school district or school may, 45978
in its discretion, assign one school official to work with the 45979
child's parent, guardian, custodian, guardian ad litem, or 45980
temporary custodian to develop an absence intervention plan 45981
during the summer. If the school district or school selects this 45982
method, the plan shall be implemented not later than seven days 45983
prior to the first day of instruction of the next school year. 45984
In the alternative, the school district or school may toll the 45985
time periods to accommodate for the summer months and reconvene 45986
the absence intervention process upon the first day of 45987
instruction of the next school year. 45988

(3) For purposes of divisions (C) (2) (c) and (d) of this 45989

section, the ~~state board department~~ of education and workforce 45990
shall develop a format for parental permission to ensure 45991
compliance with the "Family Educational Rights and Privacy Act 45992
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 45993
regulations promulgated under that act, and section 3319.321 of 45994
the Revised Code. 45995

(D) Each school district or school may consult or partner 45996
with public and nonprofit agencies to provide assistance as 45997
appropriate to students and their families in reducing absences. 45998

(E) Beginning with the 2017-2018 school year, each school 45999
district shall report to the department ~~of education~~, as soon as 46000
practicable, and in a format and manner determined by the 46001
department, any of the following occurrences: 46002

(1) When a notice required by division (C)(1) of this 46003
section is submitted to a parent, guardian, or custodian; 46004

(2) When a child of compulsory school age has been absent 46005
without legitimate excuse from the public school the child is 46006
supposed to attend for thirty or more consecutive hours, forty- 46007
two or more hours in one school month, or seventy-two or more 46008
hours in a school year; 46009

(3) When a child of compulsory school age who has been 46010
adjudicated an unruly child for being an habitual truant 46011
violates the court order regarding that adjudication; 46012

(4) When an absence intervention plan has been implemented 46013
for a child under this section. 46014

(F) Nothing in this section shall be construed to limit 46015
the duty or authority of a district board of education or 46016
governing body of an educational service center to develop other 46017
policies related to truancy or to limit the duty or authority of 46018

any employee of the school district or service center to respond 46019
to pupil truancy. However, a board shall be subject to the 46020
prohibition against suspending, expelling, or otherwise 46021
preventing a student from attending school for excessive 46022
absences as prescribed by section 3313.668 of the Revised Code. 46023

Sec. 3323.01. As used in this chapter: 46024

(A) "Child with a disability" means a child who is at 46025
least three years of age and less than twenty-two years of age; 46026
who has an intellectual disability, a hearing impairment 46027
(including deafness), a speech or language impairment, a visual 46028
impairment (including blindness), a serious emotional 46029
disturbance, an orthopedic impairment, autism, traumatic brain 46030
injury, an other health impairment, a specific learning 46031
disability (including dyslexia), deaf-blindness, or multiple 46032
disabilities; and who, by reason thereof, needs special 46033
education and related services. 46034

A "child with a disability" may include a child who is at 46035
least three years of age and less than ten years of age; who is 46036
experiencing developmental delays, as defined by standards 46037
adopted by the ~~state board~~ department of education and workforce 46038
and as measured by appropriate diagnostic instruments and 46039
procedures in one or more of the following areas: physical 46040
development, cognitive development, communication development, 46041
social or emotional development, or adaptive development; and 46042
who, by reason thereof, needs special education and related 46043
services. 46044

(B) "Free appropriate public education" means special 46045
education and related services that meet all of the following: 46046

(1) Are provided at public expense, under public 46047

supervision and direction, and without charge; 46048

(2) Meet the standards of the ~~state board of education~~
department; 46049
46050

(3) Include an appropriate preschool, elementary, or 46051
secondary education as otherwise provided by the law of this 46052
state; 46053

(4) Are provided for each child with a disability in 46054
conformity with the child's individualized education program. 46055

(C) "Homeless children" means "homeless children and 46056
youths" as defined in section 725 of the "McKinney-Vento 46057
Homeless Assistance Act," 42 U.S.C. 11434a. 46058

(D) "Individualized education program" or "IEP" means the 46059
written statement described in section 3323.011 of the Revised 46060
Code. 46061

(E) "Individualized education program team" or "IEP team" 46062
means a group of individuals composed of: 46063

(1) The parents of a child with a disability; 46064

(2) At least one regular education teacher of the child, 46065
if the child is or may be participating in the regular education 46066
environment; 46067

(3) At least one special education teacher, or where 46068
appropriate, at least one special education provider of the 46069
child; 46070

(4) A representative of the school district who meets all 46071
of the following: 46072

(a) Is qualified to provide, or supervise the provision 46073
of, specially designed instruction to meet the unique needs of 46074

children with disabilities; 46075

(b) Is knowledgeable about the general education 46076
curriculum; 46077

(c) Is knowledgeable about the availability of resources 46078
of the school district. 46079

(5) An individual who can interpret the instructional 46080
implications of evaluation results, who may be a member of the 46081
team as described in divisions (E) (2) to (4) of this section; 46082

(6) At the discretion of the parent or the school 46083
district, other individuals who have knowledge or special 46084
expertise regarding the child, including related services 46085
personnel as appropriate; 46086

(7) Whenever appropriate, the child with a disability. 46087

(F) "Instruction in braille reading and writing" means the 46088
teaching of the system of reading and writing through touch 46089
commonly known as standard English braille. 46090

(G) "Other educational agency" means a department, 46091
division, bureau, office, institution, board, commission, 46092
committee, authority, or other state or local agency, which is 46093
not a city, local, or exempted village school district or an 46094
agency administered by the department of developmental 46095
disabilities, that provides or seeks to provide special 46096
education or related services to children with disabilities. The 46097
term "other educational agency" includes a joint vocational 46098
school district. 46099

(H) "Parent" of a child with a disability, except as used 46100
in sections 3323.09 and 3323.141 of the Revised Code, means: 46101

(1) A natural or adoptive parent of a child but not a 46102

foster parent of a child;	46103
(2) A guardian, but not the state if the child is a ward of the state;	46104 46105
(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;	46106 46107 46108 46109
(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.	46110 46111 46112
(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.	46113 46114 46115 46116
(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	46117 46118 46119 46120 46121 46122 46123 46124 46125 46126 46127 46128 46129 46130 46131

identification and assessment of disabling conditions in 46132
children. "Related services" does not include a medical device 46133
that is surgically implanted, or the replacement of such device. 46134

(K) "School district" means a city, local, or exempted 46135
village school district. 46136

(L) "School district of residence," as used in sections 46137
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 46138
means: 46139

(1) The school district in which the child's natural or 46140
adoptive parents reside; 46141

(2) If the school district specified in division (L)(1) of 46142
this section cannot be determined, the last school district in 46143
which the child's natural or adoptive parents are known to have 46144
resided if the parents' whereabouts are unknown; 46145

(3) If the school district specified in division (L)(2) of 46146
this section cannot be determined, the school district 46147
determined under section 2151.362 of the Revised Code, or if no 46148
district has been so determined, the school district as 46149
determined by the probate court of the county in which the child 46150
resides. 46151

(4) Notwithstanding divisions (L)(1) to (3) of this 46152
section, if a school district is required by section 3313.65 of 46153
the Revised Code to pay tuition for a child, that district shall 46154
be the child's school district of residence. 46155

(M) "Special education" means specially designed 46156
instruction, at no cost to parents, to meet the unique needs of 46157
a child with a disability. "Special education" includes 46158
instruction conducted in the classroom, in the home, in 46159
hospitals and institutions, and in other settings, including an 46160

early childhood education setting, and instruction in physical 46161
education. 46162

(N) "Student with a visual impairment" means any person 46163
who is less than twenty-two years of age and who has a visual 46164
impairment as that term is defined in this section. 46165

(O) "Transition services" means a coordinated set of 46166
activities for a child with a disability that meet all of the 46167
following: 46168

(1) Is designed to be within a results-oriented process, 46169
that is focused on improving the academic and functional 46170
achievement of the child with a disability to facilitate the 46171
child's movement from school to post-school activities, 46172
including post-secondary education; vocational education; 46173
integrated employment (including supported employment); 46174
continuing and adult education; adult services; independent 46175
living; or community participation; 46176

(2) Is based on the individual child's needs, taking into 46177
account the child's strengths, preferences, and interests; 46178

(3) Includes instruction, related services, community 46179
experiences, the development of employment and other post-school 46180
adult living objectives, and, when appropriate, acquisition of 46181
daily living skills and functional vocational evaluation. 46182

"Transition services" for children with disabilities may 46183
be special education, if provided as specially designed 46184
instruction, or may be a related service, if required to assist 46185
a child with a disability to benefit from special education. 46186

(P) "Visual impairment" for any individual means that one 46187
of the following applies to the individual: 46188

(1) The individual has a visual acuity of 20/200 or less 46189
in the better eye with correcting lenses or has a limited field 46190
of vision in the better eye such that the widest diameter 46191
subtends an angular distance of no greater than twenty degrees. 46192

(2) The individual has a medically indicated expectation 46193
of meeting the requirements of division (P) (1) of this section 46194
over a period of time. 46195

(3) The individual has a medically diagnosed and medically 46196
uncorrectable limitation in visual functioning that adversely 46197
affects the individual's ability to read and write standard 46198
print at levels expected of the individual's peers of comparable 46199
ability and grade level. 46200

(Q) "Ward of the state" has the same meaning as in section 46201
602(36) of the "Individuals with Disabilities Education 46202
Improvement Act of 2004," 20 U.S.C. 1401(36). 46203

Sec. 3323.011. As used in this chapter, "individualized 46204
education program" or "IEP" means a written statement for each 46205
child with a disability that is developed, reviewed, and revised 46206
in accordance with this definition and that includes: 46207

(A) A statement of the child's present levels of academic 46208
achievement and functional performance, including: 46209

(1) How the child's disability affects the child's 46210
involvement and progress in the general education curriculum; 46211

(2) For a preschool child with a disability, as 46212
appropriate, how the disability affects the child's 46213
participation in appropriate activities; 46214

(3) For a child with a disability who is not a preschool 46215
child and who will take alternate assessments aligned to 46216

alternate achievement standards, a description of benchmarks or 46217
short-term objectives. 46218

(B) A statement of measurable annual goals, including 46219
academic and functional goals and, at the discretion of the 46220
department of education and workforce, short-term instructional 46221
objectives that are designed to: 46222

(1) Meet the child's needs that result from the child's 46223
disability so as to enable the child to be involved in and make 46224
progress in the general education curriculum; 46225

(2) Meet each of the child's other educational needs that 46226
result from the child's disability. 46227

(C) A description of how the child's progress toward 46228
meeting the annual goals described pursuant to division (B) of 46229
this section will be measured and when periodic reports on the 46230
progress the child is making toward meeting the annual goals 46231
will be provided. Such reports may be quarterly or other 46232
periodic reports that are issued concurrent with the issuance of 46233
regular report cards. 46234

(D) A statement of the special education and related 46235
services and supplementary aids and services, based on peer- 46236
reviewed research to the extent practicable, to be provided to 46237
the child, or on behalf of the child, and a statement of the 46238
program modifications or supports for school personnel that will 46239
be provided for the child so that the child may: 46240

(1) Advance appropriately toward attaining the annual 46241
goals described pursuant to division (B) of this section; 46242

(2) Be involved in and make progress in the general 46243
education curriculum and participate in extracurricular and 46244
other nonacademic activities; 46245

(3) Be educated with and participate with both other 46246
children with disabilities and nondisabled children in the 46247
specific activities described pursuant to division (D) of this 46248
section. 46249

(E) An explanation of the extent, if any, to which the 46250
child will not participate with nondisabled children in the 46251
regular class, including an early childhood education setting, 46252
and in the activities described pursuant to division (D) of this 46253
section; 46254

(F) A statement of any individual appropriate 46255
accommodations that are necessary to measure the academic 46256
achievement and functional performance of the child on state and 46257
districtwide assessments consistent with section 612(a)(16) of 46258
the "Individuals with Disabilities Education Improvement Act of 46259
2004," 20 U.S.C. 1412(a)(16). If the IEP team determines that 46260
the child shall take an alternate assessment on a particular 46261
state or districtwide assessment of student achievement, the IEP 46262
shall contain a statement of why the child cannot participate in 46263
the regular assessment and why the particular alternate 46264
assessment selected is appropriate for the child. 46265

(G) The projected date for the beginning of the services 46266
and modifications described pursuant to division (D) of this 46267
section and the anticipated frequency, location, and duration of 46268
those services and modifications; 46269

(H) Beginning not later than the first IEP to be in effect 46270
when the child is fourteen years of age, and updated annually 46271
thereafter, a statement describing: 46272

(1) Appropriate measurable post-secondary goals based upon 46273
age-appropriate transition assessments related to training, 46274

education, and independent living skills; 46275

(2) Appropriate measurable post-secondary goals based on 46276
age-appropriate transition assessments related to employment in 46277
a competitive environment in which workers are integrated 46278
regardless of disability; 46279

(3) The transition services, including courses of study, 46280
needed to assist the child in reaching the goals described in 46281
divisions (H) (1) and (2) of this section. 46282

(I) Beginning not later than one year before the child 46283
reaches eighteen years of age, a statement that the child has 46284
been informed of the child's rights under Title XX of the United 46285
States Code that will transfer to the child on reaching eighteen 46286
years of age in accordance with section 615(m) of the 46287
"Individuals with Disabilities Education Improvement Act of 46288
2004," 20 U.S.C. 1415(m). 46289

Nothing in this section shall be construed to require that 46290
additional information be included in a child's IEP beyond the 46291
items explicitly required by this section and that the IEP team 46292
include information under one component of a child's IEP that is 46293
already contained under another component of the IEP. 46294

Sec. 3323.02. As used in this section, "IDEIA" means the 46295
"Individuals with Disabilities Education Improvement Act of 46296
2004," Pub. L. No. 108-446. 46297

It is the purpose of this chapter to ensure that all 46298
children with disabilities residing in this state who are at 46299
least three years of age and less than twenty-two years of age, 46300
including children with disabilities who have been suspended or 46301
expelled from school, have available to them a free appropriate 46302
public education. No school district, county board of 46303

developmental disabilities, or other educational agency shall 46304
receive state or federal funds for special education and related 46305
services unless those services for children with disabilities 46306
are provided in accordance with IDEIA and related provisions of 46307
the Code of Federal Regulations, the provisions of this chapter, 46308
rules and standards adopted by the ~~state board department of~~ 46309
~~education and workforce~~, and any procedures or guidelines issued 46310
by the ~~superintendent of public instruction~~director of education 46311
and workforce. Any options or discretion provided to the state 46312
by IDEIA may be exercised in state law or in rules or standards 46313
adopted by the ~~state board of education~~department. 46314

The ~~state board of education department~~ shall establish 46315
rules or standards for the provision of special education and 46316
related services for all children with disabilities who are at 46317
least three years of age and less than twenty-two years of age 46318
residing in the state, regardless of the severity of their 46319
disabilities, including children with disabilities who have been 46320
suspended or expelled from school. The state law and the rules 46321
or standards of the ~~state board of education department~~ may 46322
impose requirements that are not required by IDEIA or related 46323
provisions of the Code of Federal Regulations. The school 46324
district of residence is responsible, in all instances, for 46325
ensuring that the requirements of Part B of IDEIA are met for 46326
every eligible child in its jurisdiction, regardless of whether 46327
services are provided by another school district, other 46328
educational agency, or other agency, department, or entity, 46329
unless IDEIA or related provisions of the Code of Federal 46330
Regulations, another section of this chapter, or a rule adopted 46331
by the ~~state board of education department~~ specifies that 46332
another school district, other educational agency, or other 46333
agency, department, or entity is responsible for ensuring 46334

compliance with Part B of IDEIA. 46335

Notwithstanding division (A) (4) of section 3301.53 of the 46336
Revised Code and any rules adopted pursuant to that section and 46337
division (A) of section 3313.646 of the Revised Code, a board of 46338
education of a school district may provide special education and 46339
related services for preschool children with disabilities in 46340
accordance with this chapter and section 3301.52, divisions (A) 46341
(1) to (3) and (A) (5) and (6) of section 3301.53, and sections 46342
3301.54 to 3301.59 of the Revised Code. 46343

The ~~superintendent of public instruction department~~ may 46344
require any state or local agency to provide documentation that 46345
special education and related services for children with 46346
disabilities provided by the agency are in compliance with the 46347
requirements of this chapter. 46348

Not later than the first day of February of each year the 46349
~~superintendent of public instruction department~~ shall furnish 46350
the chairpersons of the education committees of the house of 46351
representatives and the senate with a report on the status of 46352
implementation of special education and related services for 46353
children with disabilities required by this chapter. The report 46354
shall include but shall not be limited to the following items: 46355
the most recent available figures on the number of children 46356
identified as children with disabilities and the number of 46357
identified children receiving special education and related 46358
services. The information contained in these reports shall be 46359
public information. 46360

Sec. 3323.021. As used in this section, "participating 46361
county board of developmental disabilities" means a county board 46362
of developmental disabilities electing to participate in the 46363
provision of or contracting for educational services for 46364

children under division (D) of section 5126.05 of the Revised Code. 46365
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(A) When a school district, educational service center, or participating county board of developmental disabilities enters into an agreement or contract with another school district, educational service center, or participating county board of developmental disabilities to provide educational services to a disabled child during a school year, both of the following shall apply: 46367
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(1) Beginning with fiscal year 1999, if the provider of the services intends to increase the amount it charges for some or all of those services during the next school year or if the provider intends to cease offering all or part of those services during the next school year, the provider shall notify the entity for which the services are provided of these intended changes no later than the first day of March of the current fiscal year. 46374
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(2) Beginning with fiscal year 1999, if the entity for which services are provided intends to cease obtaining those services from the provider for the next school year or intends to change the type or amount of services it obtains from the provider for the next school year, the entity shall notify the service provider of these intended changes no later than the first day of March of the current fiscal year. 46382
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(B) School districts, educational service centers, participating county boards of developmental disabilities, and other applicable governmental entities shall collaborate where possible to maximize federal sources of revenue to provide additional funds for special education related services for disabled children. Annually, each school district shall report 46389
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to the department of education and workforce any amounts of such 46395
federal revenue the district received. 46396

(C) The ~~state board~~ department of education and workforce, 46397
the department of developmental disabilities, and the department 46398
of medicaid shall develop working agreements for pursuing 46399
additional funds for services for disabled children. 46400

Sec. 3323.022. The rules of the ~~state board~~ department of 46401
education and workforce for staffing ratios for programs with 46402
preschool children with disabilities shall require the 46403
following: 46404

(A) A full-time staff member shall be provided when there 46405
are eight full-day or sixteen half-day preschool children 46406
eligible for special education enrolled in a center-based 46407
preschool special education program. 46408

(B) Staff ratios of one teacher for every eight children 46409
shall be maintained at all times for a program with a center- 46410
based teacher, and a second adult shall be present when there 46411
are nine or more children, including nondisabled children 46412
enrolled in a class session. 46413

(C) Unless otherwise specified in the individualized 46414
education program, a minimum of ten hours of services per week 46415
shall be provided for each child served by a center-based 46416
teacher. 46417

Sec. 3323.03. The ~~state board~~ department of education and 46418
workforce shall, in consultation with the department of health, 46419
the department of mental health and addiction services, and the 46420
department of developmental disabilities, establish standards 46421
and procedures for the identification, location, and evaluation 46422
of all children with disabilities residing in the state, 46423

including children with disabilities who are homeless children 46424
or are wards of the state and children with disabilities 46425
attending nonpublic schools, regardless of the severity of their 46426
disabilities, and who are in need of special education and 46427
related services. The ~~state board~~ department of education and 46428
workforce shall develop and implement a practical method to 46429
determine which children with disabilities are currently 46430
receiving needed special education and related services. 46431

In conducting the evaluation, the board of education of 46432
each school district shall use a variety of assessment tools and 46433
strategies to gather relevant functional, developmental, and 46434
academic information about the child, including information 46435
provided by the child's parent. The board of education of each 46436
school district, in consultation with the county board of 46437
developmental disabilities, the county family and children first 46438
council, and the board of alcohol, drug addiction, and mental 46439
health services of each county in which the school district has 46440
territory, shall identify, locate, and evaluate all children 46441
with disabilities residing within the district to determine 46442
which children with disabilities are not receiving appropriate 46443
special education and related services. In addition, the board 46444
of education of each school district, in consultation with such 46445
county boards or council, shall identify, locate, and evaluate 46446
all children with disabilities who are enrolled by their parents 46447
in nonpublic elementary and secondary schools located within the 46448
public school district, without regard to where those children 46449
reside in accordance with rules ~~of the state board of education~~ 46450
or guidelines of the ~~superintendent of public instruction~~ 46451
department of education and workforce. 46452

Each county board of developmental disabilities, county 46453
family and children first council, and board of alcohol, drug 46454

addiction, and mental health services and the board's or 46455
council's contract agencies may transmit to boards of education 46456
the names and addresses of children with disabilities who are 46457
not receiving appropriate special education and related 46458
services. 46459

Sec. 3323.04. The ~~state board~~ department of education and 46460
workforce, in consultation with the department of mental health 46461
and addiction services and the department of developmental 46462
disabilities, shall establish procedures and standards for the 46463
development of individualized education programs for children 46464
with disabilities. 46465

The ~~state board~~ department of education and workforce 46466
shall require the board of education of each school district to 46467
develop an individualized education program for each child with 46468
a disability who is at least three years of age and less than 46469
twenty-two years of age residing in the district in a manner 46470
that is in accordance with rules of the ~~state board~~ department. 46471

Prior to the placement of a child with a disability in a 46472
program operated under section 3323.09 of the Revised Code, the 46473
district board of education shall consult the county board of 46474
developmental disabilities of the county in which the child 46475
resides regarding the proposed placement. 46476

A child with a disability enrolled in a nonpublic school 46477
or facility shall be provided special education and related 46478
services, in accordance with an individualized education 46479
program, at no cost for those services, if the child is placed 46480
in, or referred to, that nonpublic school or facility by the 46481
department of education and workforce or a school district. 46482

The IEP team shall review the individualized education 46483

program of each child with a disability periodically, but at 46484
least annually, to determine whether the annual goals for the 46485
child are being achieved, and shall revise the individualized 46486
education program as appropriate. 46487

The ~~state board~~ department of education and workforce 46488
shall establish procedures and standards to assure that to the 46489
maximum extent appropriate, children with disabilities, 46490
including children in public or private institutions or other 46491
care facilities, shall be educated with children who are not 46492
disabled. Special classes, separate schools, or other removal of 46493
children with disabilities from the regular educational 46494
environment shall be used only when the nature or severity of a 46495
child's disability is such that education in regular classes 46496
with supplementary aids and services cannot be achieved 46497
satisfactorily. 46498

If an agency directly affected by a placement decision 46499
objects to such decision, an impartial hearing officer, 46500
appointed by the department of education and workforce from a 46501
list prepared by the department, shall conduct a hearing to 46502
review the placement decision. The agencies that are parties to 46503
a hearing shall divide the costs of such hearing equally. The 46504
decision of the hearing officer shall be final, except that any 46505
party to the hearing who is aggrieved by the findings or the 46506
decision of the hearing officer may appeal the findings or 46507
decision in accordance with division (H) of section 3323.05 of 46508
the Revised Code or the parent of any child affected by such 46509
decision may present a complaint in accordance with that 46510
section. 46511

Sec. 3323.041. To the extent consistent with the number 46512
and location of children with disabilities in the state who are 46513

enrolled by their parents in nonpublic elementary and secondary 46514
schools in the school district served by a board of education of 46515
a school district, provision is made for the participation of 46516
those children in the program for the education of children with 46517
disabilities which is assisted or carried out under Part B of 46518
the "Individuals with Disabilities Education Improvement Act of 46519
2004, P.L." Pub. L. No. 108-446. The district in which the 46520
nonpublic elementary or secondary school is located shall 46521
provide for such children special education and related services 46522
in accordance with Section 612(a)(10) of the "Individuals with 46523
Disabilities Education Improvement Act of 2004," 20 U.S.C. 46524
1412(a)(10) and related provisions of the Code of Federal 46525
Regulations and in accordance with any rules adopted ~~by the~~ 46526
~~state board of education,~~ or guidelines issued, by the- 46527
~~superintendent of public instruction,~~ department of education and 46528
workforce. 46529

Amounts to be expended for the provision of those 46530
services, including direct services to parentally placed 46531
nonpublic school children, by the school district shall be equal 46532
to a proportionate amount of federal funds made available under 46533
Part B of the "Individuals with Disabilities Education 46534
Improvement Act of 2004." The school district shall exercise the 46535
following responsibilities towards parentally placed children 46536
with disabilities who attend nonpublic schools located in the 46537
school district: child find, timely and meaningful consultation, 46538
written affirmation of timely and meaningful consultation, 46539
compliance, and provision of equitable services, as provided by 46540
the "Individuals with Disabilities Education Improvement Act of 46541
2004" and related provisions of the Code of Federal Regulations 46542
and in accordance with any rules adopted ~~by the state board of~~ 46543
~~education,~~ or guidelines issued by, ~~the superintendent of public~~ 46544

instruction department. 46545

Sec. 3323.05. The ~~state board~~ department of education and 46546
workforce shall establish procedures to ensure that children 46547
with disabilities and their parents are guaranteed procedural 46548
safeguards under this chapter with respect to a free appropriate 46549
public education. 46550

The procedures shall include, but need not be limited to: 46551

(A) An opportunity for the parents of a child with a 46552
disability to examine all records related to the child and to 46553
participate in meetings with respect to identification, 46554
evaluation, and educational placement of the child, and to 46555
obtain an independent educational evaluation of the child; 46556

(B) Procedures to protect the rights of the child whenever 46557
the parents of the child are not known, an agency after making 46558
reasonable efforts cannot find the parents, or the child is a 46559
ward of the state, including the assignment of an individual to 46560
act as a surrogate for the parents made by the school district 46561
or other educational agency responsible for educating the child 46562
or by the court with jurisdiction over the child's custody. Such 46563
assignment shall be made in accordance with section 3323.051 of 46564
the Revised Code. 46565

(C) Prior written notice to the child's parents of a 46566
school district's proposal or refusal to initiate or change the 46567
identification, evaluation, or educational placement of the 46568
child or the provision of a free appropriate education for the 46569
child. The procedures established under this division shall: 46570

(1) Be designed to ensure that the written prior notice is 46571
in the native language of the parents, unless it clearly is not 46572
feasible to do so. 46573

- (2) Specify that the prior written notice shall include: 46574
- (a) A description of the action proposed or refused by the district; 46575
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- (b) An explanation of why the district proposes or refuses to take the action and a description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action; 46577
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- (c) A statement that the parents of a child with a disability have protection under the procedural safeguards and, if the notice is not in regard to an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; 46581
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- (d) Sources for parents to contact to obtain assistance in understanding the provisions of Part B of the "Individuals with Disabilities Education Improvement Act of 2004"; 46586
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- (e) A description of other options considered by the IEP team and the reason why those options were rejected; 46589
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- (f) A description of the factors that are relevant to the agency's proposal or refusal. 46591
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- (D) An opportunity for the child's parents to present complaints to the superintendent of the child's school district of residence with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education under this chapter. 46593
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- Within twenty school days after receipt of a complaint, the district superintendent or the superintendent's designee, without undue delay and at a time and place convenient to all 46599
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parties, shall review the case, may conduct an administrative 46602
review, and shall notify all parties in writing of the 46603
superintendent's or designee's decision. Where the child is 46604
placed in a program operated by a county board of developmental 46605
disabilities or other educational agency, the superintendent 46606
shall consult with the administrator of that board or agency. 46607

Any party aggrieved by the decision of the district 46608
superintendent or the superintendent's designee may file a 46609
complaint with the ~~state board~~ department as provided under 46610
division (E) of this section, request mediation as provided 46611
under division (F) of this section, or present a due process 46612
complaint notice and request for a due process hearing in 46613
writing to the superintendent of the district, with a copy to 46614
the ~~state board~~ department, as provided under division (G) of 46615
this section. 46616

(E) An opportunity for a party to file a complaint with 46617
the ~~state board of education~~ department with respect to the 46618
identification, evaluation, or educational placement of the 46619
child, or the provision of a free appropriate public education 46620
to such child. The department ~~of education~~ shall review and, 46621
where appropriate, investigate the complaint and issue findings. 46622

(F) An opportunity for parents and a school district to 46623
resolve through mediation disputes involving any matter. 46624

(1) The procedures established under this section shall 46625
ensure that the mediation process is voluntary on the part of 46626
the parties, is not used to deny or delay a parent's right to a 46627
due process hearing or to deny any other rights afforded under 46628
this chapter, and is conducted by a qualified and impartial 46629
mediator who is trained in effective mediation techniques. 46630

(2) A school district may establish procedures to offer to parents and schools that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party to encourage the use, and explain the benefits, of the mediation process to the parents. The disinterested party shall be an individual who is under contract with a parent training and information center or community parent resource center in the state or is under contract with an appropriate alternative dispute resolution entity.

(3) The department shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.

(4) The department shall bear the cost of the mediation process, including the costs of meetings described in division (F) (2) of this section.

(5) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute.

(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding.

(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that:

(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as

evidence in any subsequent due process hearing or civil proceeding; 46660
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(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district; 46662
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(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States. 46664
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(G) (1) An opportunity for parents or a school district to present a due process complaint and request for a due process hearing to the superintendent of the school district of the child's residence with respect to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. 46666
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The party presenting the due process complaint and request for a due process hearing shall provide due process complaint notice to the other party and forward a copy of the notice to the ~~state board~~ department. The due process complaint notice shall include: 46672
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(a) The name of the child, the address of the residence of the child, or the available contact information in the case of a homeless child, and the name of the school the child is attending; 46677
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(b) A description of the nature of the problem of the child relating to the proposed initiation or change, including facts relating to the problem; 46681
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(c) A proposed resolution of the problem to the extent known and available to the party at the time. 46684
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A party shall not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirement for filing a due process complaint 46686
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notice. 46689

A due process hearing shall be conducted by an impartial 46690
hearing officer in accordance with standards and procedures 46691
adopted by the ~~state board~~ department. A hearing officer shall 46692
not be an employee of the ~~state board~~ department or any agency 46693
involved in the education or care of the child or a person 46694
having a personal or professional interest that conflicts with 46695
the person's objectivity in the hearing. A hearing officer shall 46696
possess knowledge of, and the ability to understand, the 46697
provisions of the "Individuals with Disabilities Education 46698
Improvement Act of 2004," federal and state regulations 46699
pertaining to that act, and legal interpretations of that act by 46700
federal and state courts; possess the knowledge and ability to 46701
conduct hearings in accordance with appropriate standard legal 46702
practice; and possess the knowledge and ability to render and 46703
write decisions in accordance with appropriate standard legal 46704
practice. The due process requirements of section 615 of the 46705
"Individuals with Disabilities Education Improvement Act of 46706
2004," 20 U.S.C. 1415, apply to due process complaint notices 46707
and requests for due process hearings and to due process 46708
hearings held under division (G) of this section, including, but 46709
not limited to, timelines for requesting hearings, requirements 46710
for sufficient complaint notices, resolution sessions, and 46711
sufficiency and hearing decisions. 46712

(2) Discussions that occur during a resolution session 46713
shall be confidential and shall not be used as evidence in any 46714
subsequent due process hearing or civil proceeding. If a 46715
resolution to the dispute is reached at a resolution session, 46716
the parties must execute a legally binding written settlement 46717
agreement which shall state that all discussions that occurred 46718
during the resolution process shall be confidential and shall 46719

not be used as evidence in any subsequent due process hearing or 46720
civil proceeding. 46721

(3) A party to a hearing under division (G) of this 46722
section shall be accorded: 46723

(a) The right to be accompanied and advised by counsel and 46724
by individuals with special knowledge or training with respect 46725
to the problems of children with disabilities; 46726

(b) The right to present evidence and confront, cross- 46727
examine, and compel the attendance of witnesses; 46728

(c) The right to a written or electronic verbatim record 46729
of the hearing; 46730

(d) The right to written findings of fact and decisions, 46731
which findings of fact and decisions shall be made available to 46732
the public consistent with the requirements relating to the 46733
confidentiality of personally identifiable data, information, 46734
and records collected and maintained by state educational 46735
agencies and local educational agencies; and shall be 46736
transmitted to the advisory panel established and maintained by 46737
the department for the purpose of providing policy guidance with 46738
respect to special education and related services for children 46739
with disabilities in the state. 46740

(H) An opportunity for any party aggrieved by the findings 46741
and decision rendered in a hearing under division (G) of this 46742
section to appeal within forty-five days of notification of the 46743
decision to the ~~state board~~ department, which shall appoint a 46744
state level officer who shall review the case and issue a final 46745
order. The state level officer shall be appointed and shall 46746
review the case in accordance with standards and procedures 46747
adopted by the ~~state board~~ department. 46748

Any party aggrieved by the final order of the state level 46749
officer may appeal the final order, in accordance with Chapter 46750
119. of the Revised Code, within forty-five days after 46751
notification of the order to the court of common pleas of the 46752
county in which the child's school district of residence is 46753
located, or to a district court of the United States within 46754
ninety days after the date of the decision of the state level 46755
review officer, as provided in section 615(i) (2) of the 46756
"Individuals with Disabilities Education Improvement Act of 46757
2004," 20 U.S.C. 1415(i) (2). 46758

Sec. 3323.051. No individual shall be assigned to act as a 46759
surrogate for the parents of a child with a disability under 46760
division (B) of section 3323.05 of the Revised Code if the 46761
individual is an employee of the department of education and 46762
workforce or the school district or any other agency involved in 46763
the education or care of the child or if the individual has any 46764
interest that conflicts with the interests of the child. If a 46765
conflict of interest arises subsequent to the assignment of a 46766
surrogate, the authority that made the assignment shall 46767
terminate it and assign another surrogate. Neither the surrogate 46768
nor the authority that assigned the surrogate shall be liable in 46769
civil damages for acts of the surrogate unless such acts 46770
constitute willful or wanton misconduct. 46771

Sec. 3323.052. (A) The department of education and 46772
workforce shall develop a document that compares a parent's and 46773
child's rights under this chapter and 20 U.S.C. 1400 et seq. 46774
with the parent's and child's rights under the Jon Peterson 46775
special needs scholarship program, established in sections 46776
3310.51 to 3310.64 of the Revised Code, including the provisions 46777
of divisions (A) and (B) of section 3310.53 of the Revised Code. 46778
The department shall revise that document as necessary to 46779

reflect any pertinent changes in state or federal statutory law, 46780
rule, or regulation. 46781

(B) The department and each school district shall ensure 46782
that the document prescribed in division (A) of this section is 46783
included in, appended to, or otherwise distributed in 46784
conjunction with the notice required under 20 U.S.C. 1415(d), 46785
and any provision of the Code of Federal Regulations 46786
implementing that requirement, in the manner and at all the 46787
times specified for such notice in federal law or regulation. 46788

(C) In addition to the requirement prescribed by division 46789
(B) of this section, each time a child's school district 46790
completes an evaluation for a child with a disability or 46791
undertakes the development, review, or revision of the child's 46792
IEP, the district shall notify the child's parent, by letter or 46793
electronic means, about both the autism scholarship program, 46794
under section 3310.41 of the Revised Code, and the Jon Peterson 46795
special needs scholarship program, under sections 3310.51 to 46796
3310.64 of the Revised Code. The notice shall include the 46797
following statement: 46798

"Your child may be eligible for a scholarship under the 46799
Autism Scholarship Program or the Jon Peterson Special Needs 46800
Scholarship Program to attend a special education program that 46801
implements the child's individualized education program and that 46802
is operated by an alternative public provider or by a registered 46803
private provider." 46804

The notice shall include the telephone number of the 46805
office of the department responsible for administering the 46806
scholarship programs and the specific location of scholarship 46807
information on the department's web site. 46808

(D) As used in this section, a "child's school district" 46809
means the school district in which the child is entitled to 46810
attend school under section 3313.64 or 3313.65 of the Revised 46811
Code. 46812

Sec. 3323.06. (A) The ~~state board~~ department of education 46813
and workforce shall develop, implement, provide general 46814
supervision of, and assure compliance with a state plan for the 46815
following: 46816

(1) The identification, location, and evaluation of all 46817
children with disabilities in the state; 46818

(2) The provision of special education and related 46819
services to ensure a free appropriate public education for all 46820
children with disabilities at least three years of age and less 46821
than twenty-two years of age, including children with 46822
disabilities who have been suspended or expelled from school; 46823

(3) The availability of special education and related 46824
services for children with disabilities under three years of 46825
age, as authorized by division (C) of this section and as 46826
specified in rules of the ~~state board~~ department. 46827

The state plan shall provide assurances that the ~~state-~~ 46828
~~board~~ department has in effect policies and procedures to ensure 46829
that the state meets the conditions specified in section 612 of 46830
the "Individuals with Disabilities Education Improvement Act of 46831
2004," 20 U.S.C. 1412. 46832

(B) The ~~state board~~ department shall establish and 46833
maintain an advisory panel for the purpose of providing policy 46834
guidance with respect to special education and related services 46835
for children with disabilities in the state. A majority of the 46836
members of the panel shall be individuals with disabilities or 46837

parents of children with disabilities representing all ages, 46838
birth through twenty-six years of age. The advisory panel shall 46839
meet the requirements of section 612(a)(21) of the "Individuals 46840
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 46841
1412(a)(21), and related provisions of the Code of Federal 46842
Regulations. The panel shall advise the Ohio department of 46843
education and workforce of unmet needs within the state in the 46844
education of children with disabilities; comment publicly on 46845
rules proposed by that department regarding the education of 46846
children with disabilities; advise that department in developing 46847
evaluations and reporting on data to the United States secretary 46848
of education under section 618 of the act, 20 U.S.C. 1418; 46849
advise the Ohio department in developing corrective action plans 46850
to address findings identified in federal monitoring reports 46851
under Part B of the act; and advise the Ohio department in 46852
developing and implementing policies relating to the 46853
coordination of services for children with disabilities. 46854

(C) In addition to the policies and procedures authorized 46855
under division (A) of this section, the ~~state board~~ department 46856
may authorize school districts to establish and maintain special 46857
education and related services for children less than three 46858
years of age as specified in rules of the ~~state board~~ 46859
department. 46860

(D) In the exercise of its general supervisory 46861
responsibility, the ~~state board~~ department shall monitor the 46862
implementation of Part B of the "Individuals with Disabilities 46863
Education Improvement Act of 2004" by school districts. 46864
Monitoring activities shall include, but are not limited to, 46865
focused monitoring, investigations of complaints, and technical 46866
assistance. The primary focus of the ~~state board's~~ department's 46867
monitoring activities shall be improving educational results and 46868

functional outcomes for all children with disabilities and 46869
ensuring that the ~~state board~~ department meets the program 46870
requirements under Part B, with a particular emphasis on those 46871
requirements that are most closely related to improving 46872
educational results for children with disabilities. 46873

Sec. 3323.07. The ~~state board~~ department of education and 46874
workforce shall authorize the establishment and maintenance of 46875
special education and related services for all children with 46876
disabilities who are at least three years of age and less than 46877
twenty-two years of age, including children with disabilities 46878
who have been suspended or expelled from school, and may 46879
authorize special education and related services for children 46880
with disabilities who are less than three years of age in 46881
accordance with rules adopted by the ~~state board~~ department. The 46882
~~state board~~ department of education and workforce shall require 46883
the boards of education of school districts, shall authorize the 46884
department of mental health and addiction services and the 46885
department of developmental disabilities, and may authorize any 46886
other educational agency, to establish and maintain such special 46887
education and related services in accordance with standards 46888
adopted by the ~~state board~~ department of education and 46889
workforce. 46890

Sec. 3323.08. (A) Each school district shall submit a plan 46891
to the ~~superintendent of public instruction~~ department of 46892
education and workforce that provides assurances that the school 46893
district will provide for the education of children with 46894
disabilities within its jurisdiction and has in effect policies, 46895
procedures, and programs that are consistent with the policies 46896
and procedures adopted by the ~~state board of education~~ department 46897
in accordance with section 612 of the "Individuals with 46898
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 46899

and that meet the conditions applicable to school districts 46900
under section 613 of that act, 20 U.S.C. 1413. 46901

Each district's plan shall do all of the following: 46902

(1) Provide, as specified in section 3323.11 of the 46903
Revised Code and in accordance with standards established by the 46904
~~state board department~~, for an organizational structure and 46905
necessary and qualified staffing and supervision for the 46906
identification of and provision of special education and related 46907
services for children with disabilities; 46908

(2) Provide, as specified by section 3323.03 of the 46909
Revised Code and in accordance with standards established by the 46910
~~state board department~~, for the identification, location, and 46911
evaluation of all children with disabilities residing in the 46912
district, including children with disabilities who are homeless 46913
children or are wards of the state and children with 46914
disabilities attending private schools and who are in need of 46915
special education and related services. A practical method shall 46916
be developed and implemented to determine which children with 46917
disabilities are currently receiving needed special education 46918
and related services. 46919

(3) Provide, as specified by section 3323.07 of the 46920
Revised Code and standards established by the ~~state board~~ 46921
department, for the establishment and maintenance of special 46922
education and related services for children with disabilities 46923
who are at least three years of age and less than twenty-two 46924
years of age, including children with disabilities who have been 46925
suspended or expelled from school. 46926

(4) Provide, as specified by section 3323.04 of the 46927
Revised Code and in accordance with standards adopted by the- 46928

~~state board department~~, for an individualized education program 46929
for each child with a disability who is at least three years of 46930
age and less than twenty-two years of age residing within the 46931
district; 46932

(5) Provide, as specified by section 3323.02 of the 46933
Revised Code and in accordance with standards established by the 46934
~~state board department~~, for special education and related 46935
services and a free appropriate public education for every child 46936
with a disability who is at least three years of age and less 46937
than twenty-two years of age, including children with 46938
disabilities who have been suspended or expelled from school; 46939

(6) Provide procedural safeguards and prior written notice 46940
as required under section 3323.05 of the Revised Code and the 46941
standards established by the ~~state board department~~; 46942

(7) Outline the steps that have been or are being taken to 46943
comply with standards established by ~~the state board department~~. 46944

(B) (1) A school district may arrange, by a cooperative 46945
agreement or contract with one or more school districts or with 46946
a cooperative education or joint vocational school district or 46947
an educational service center, to provide for the 46948
identification, location, and evaluation of children with 46949
disabilities, and to provide special education and related 46950
services for such children that meet the standards established 46951
by the ~~state board department~~. A school district may arrange, by 46952
a cooperative agreement or contract, for the provision of 46953
related services for children with disabilities that meet the 46954
standards established by the ~~state board department~~. 46955

(2) A school district shall arrange by interagency 46956
agreement with one or more school districts or with a 46957

cooperative education or joint vocational school district or an 46958
educational service center or other providers of early learning 46959
services to provide for the identification, location, evaluation 46960
of children with disabilities of ages birth through five years 46961
of age and for the transition of children with disabilities at 46962
age three in accordance with the standards established by the- 46963
~~state board department~~. A school district may arrange by 46964
interagency agreement with providers of early learning services 46965
to provide special education and related services for such 46966
children that meet the standards established by the ~~state board~~ 46967
department. 46968

(3) If at the time an individualized education program is 46969
developed for a child a school district is not providing special 46970
education and related services required by that individualized 46971
education program, the school district may arrange by contract 46972
with a nonpublic entity for the provision of the special 46973
education and related services, provided the special education 46974
and related services meet the standards for special education 46975
and related services established by the ~~state board~~ department 46976
and is provided within the state. 46977

(4) Any cooperative agreement or contract under division 46978
(B) (1) or (2) of this section involving a local school district 46979
shall be approved by the governing board of the educational 46980
service center which serves that district. 46981

(C) No plan of a local school district shall be submitted 46982
to the ~~superintendent of public instruction~~ department until it 46983
has been approved by the superintendent of the educational 46984
service center which serves that district. 46985

(D) Upon approval of a school district's plan by the 46986
~~superintendent of public instruction~~ department, the district 46987

shall immediately certify students for state funds under section 46988
3317.03 of the Revised Code to implement and maintain such plan. 46989
The district shall, in accordance with guidelines adopted by the 46990
~~state board~~ department, identify problems relating to the 46991
provision of qualified personnel and adequate facilities, and 46992
indicate the extent to which the cost of programs required under 46993
the plan will exceed anticipated state reimbursement. Each 46994
school district shall immediately implement the identification, 46995
location, and evaluation of children with disabilities in 46996
accordance with this chapter, and shall implement those parts of 46997
the plan involving placement and provision of special education 46998
and related services. 46999

Sec. 3323.09. (A) As used in this section: 47000

(1) "Home" has the meaning given in section 3313.64 of the 47001
Revised Code. 47002

(2) "Preschool child" means a child who is at least age 47003
three but under age six on the thirtieth day of September of an 47004
academic year. 47005

(B) Each county board of developmental disabilities shall 47006
establish special education programs for all children with 47007
disabilities who in accordance with section 3323.04 of the 47008
Revised Code have been placed in special education programs 47009
operated by the county board and for preschool children who are 47010
developmentally delayed or at risk of being developmentally 47011
delayed. The board annually shall submit to the department of 47012
education and workforce a plan for the provision of these 47013
programs. The ~~superintendent of public instruction department~~ 47014
shall review the plan and approve or modify it in accordance 47015
with rules adopted ~~by the state board of education~~ under section 47016
3301.07 of the Revised Code. The ~~superintendent of public~~ 47017

~~instruction department~~ shall compile the plans submitted by 47018
county boards and shall submit a comprehensive plan to the state 47019
board. 47020

A county board of developmental disabilities may combine 47021
transportation for children enrolled in classes funded under 47022
sections 3317.0213 or 3317.20 with transportation for children 47023
and adults enrolled in programs and services offered by the 47024
board under Chapter 5126. of the Revised Code. 47025

(C) A county board of developmental disabilities that 47026
during the school year provided special education pursuant to 47027
this section for any child with mental disabilities under 47028
twenty-two years of age shall prepare and submit the following 47029
reports and statements: 47030

(1) The board shall prepare a statement for each child who 47031
at the time of receiving such special education was a resident 47032
of a home and was not in the legal or permanent custody of an 47033
Ohio resident or a government agency in this state, and whose 47034
natural or adoptive parents are not known to have been residents 47035
of this state subsequent to the child's birth. The statement 47036
shall contain the child's name, the name of the child's school 47037
district of residence, the name of the county board providing 47038
the special education, and the number of months, including any 47039
fraction of a month, it was provided. Not later than the 47040
thirtieth day of June, the board shall forward a certified copy 47041
of such statement to both the director of developmental 47042
disabilities and to the home. 47043

Within thirty days after its receipt of a statement, the 47044
home shall pay tuition to the county board computed in the 47045
manner prescribed by section 3323.141 of the Revised Code. 47046

(2) The board shall prepare a report for each school 47047
district that is the school district of residence of one or more 47048
of such children for whom statements are not required by 47049
division (C)(1) of this section. The report shall contain the 47050
name of the county board providing special education, the name 47051
of each child receiving special education, the number of months, 47052
including fractions of a month, that the child received it, and 47053
the name of the child's school district of residence. Not later 47054
than the thirtieth day of June, the board shall forward 47055
certified copies of each report to the school district named in 47056
the report, the ~~superintendent of public instruction~~department, 47057
and the director of developmental disabilities. 47058

Sec. 3323.091. (A) The department of mental health and 47059
addiction services, the department of developmental 47060
disabilities, the department of youth services, and the 47061
department of rehabilitation and correction shall establish and 47062
maintain special education programs for children with 47063
disabilities in institutions under their jurisdiction according 47064
to standards adopted by the ~~state board~~ department of education 47065
and workforce. 47066

(B) The superintendent of each state institution required 47067
to provide services under division (A) of this section may apply 47068
to the department of education and workforce for special 47069
education and related services funding for children with 47070
disabilities other than preschool children with disabilities, 47071
calculated in accordance with section 3317.201 of the Revised 47072
Code. 47073

Each county board of developmental disabilities providing 47074
special education for children with disabilities other than 47075
preschool children with disabilities may apply to the department 47076

of education and workforce for opportunity funds and special 47077
education and related services funding calculated in accordance 47078
with section 3317.20 of the Revised Code. 47079

(C) In addition to the authorization to apply for state 47080
funding described in division (B) of this section, each state 47081
institution required to provide services under division (A) of 47082
this section is entitled to tuition payments calculated in the 47083
manner described in division (C) of this section. 47084

On or before the thirtieth day of June of each year, the 47085
superintendent of each institution that during the school year 47086
provided special education pursuant to this section shall 47087
prepare a statement for each child with a disability under 47088
twenty-two years of age who has received special education. The 47089
statement shall contain the child's data verification code 47090
assigned pursuant to division (D) (2) of section 3301.0714 of the 47091
Revised Code and the name of the child's school district of 47092
residence. Within sixty days after receipt of such statement, 47093
the department of education and workforce shall perform one of 47094
the following: 47095

(1) For any child except a preschool child with a 47096
disability described in division (C) (2) of this section, pay to 47097
the institution submitting the statement an amount equal to the 47098
tuition calculated under division (A) of section 3317.08 of the 47099
Revised Code for the period covered by the statement, and deduct 47100
the same from the amount of state funds, if any, payable under 47101
Chapter 3317. of the Revised Code, to the child's school 47102
district of residence or, if the amount of such state funds is 47103
insufficient, require the child's school district of residence 47104
to pay the institution submitting the statement an amount equal 47105
to the amount determined under this division. 47106

(2) For any preschool child with a disability, perform the following: 47107
47108

(a) Pay to the institution submitting the statement an amount equal to the tuition calculated under division (B) of section 3317.08 of the Revised Code for the period covered by the statement, except that in calculating the tuition under that section the operating expenses of the institution submitting the statement under this section shall be used instead of the operating expenses of the school district of residence; 47109
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(b) Deduct from the amount of state funds, if any, payable under Chapter 3317. of the Revised Code to the child's school district of residence an amount equal to the amount paid under division (C) (2) (a) of this section. 47116
47117
47118
47119

Sec. 3323.13. (A) If a child who is a school resident of one school district receives special education from another district, the board of education of the district providing the education, subject to division (C) of this section, may require the payment by the board of education of the district of residence of a sum not to exceed one of the following, as applicable: 47120
47121
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(1) For any child except a preschool child with a disability described in division (A) (2) of this section, the tuition of the district providing the education for a child of normal needs of the same school grade. The determination of the amount of such tuition shall be in the manner provided for by division (A) of section 3317.08 of the Revised Code. 47127
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(2) For any preschool child with a disability, the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised 47133
47134
47135

Code. 47136

(B) The board of the district of residence may contract 47137
with the board of another district for the transportation of 47138
such child into any school in such other district, on terms 47139
agreed upon by such boards. Upon direction of the ~~state board~~ 47140
department of education and workforce, the board of the district 47141
of residence shall pay for the child's transportation and the 47142
tuition. 47143

(C) The board of education of a district providing the 47144
education for a child shall be entitled to require payment from 47145
the district of residence under this section or section 3323.14 47146
of the Revised Code only if the district providing the education 47147
has done at least one of the following: 47148

(1) Invited the district of residence to send 47149
representatives to attend the meetings of the team developing 47150
the child's individualized education program; 47151

(2) Received from the district of residence a copy of the 47152
individualized education program or a multifactored evaluation 47153
developed for the child by the district of residence; 47154

(3) Informed the district of residence in writing that the 47155
district is providing the education for the child. 47156

As used in division (C) (2) of this section, "multifactored 47157
evaluation" means an evaluation, conducted by a 47158
multidisciplinary team, of more than one area of the child's 47159
functioning so that no single procedure shall be the sole 47160
criterion for determining an appropriate educational program 47161
placement for the child. 47162

Sec. 3323.14. (A) Where a child who is a school resident 47163
of one school district receives special education from another 47164

district and the per capita cost to the educating district for 47165
that child exceeds the sum of the amount received by the 47166
educating district for that child under division (A) of section 47167
3317.08 of the Revised Code and the amount received by the 47168
district from the ~~state board~~ department of education and 47169
workforce for that child, then the board of education of the 47170
district of residence shall pay to the board of the school 47171
district that is providing the special education such excess 47172
cost as is determined by using a formula approved by the 47173
~~department of education~~ and agreed upon in contracts entered 47174
into by the boards of the districts concerned at the time the 47175
district providing such special education accepts the child for 47176
enrollment. The department shall certify the amount of the 47177
payments under Chapter 3317. of the Revised Code for such pupils 47178
with disabilities for each school year ending on the thirtieth 47179
day of July. 47180

(B) In the case of a child described in division (A) of 47181
this section who has been placed in a home, as defined in 47182
section 3313.64 of the Revised Code, pursuant to the order of a 47183
court and who is not subject to section 3323.141 of the Revised 47184
Code, the district providing the child with special education 47185
and related services may charge to the child's district of 47186
residence the excess cost determined by formula approved by the 47187
department, regardless of whether the district of residence has 47188
entered into a contract with the district providing the 47189
services. If the district providing the services chooses to 47190
charge excess costs, the district may report the amount 47191
calculated under this division to the department. 47192

(C) If a district providing special education for a child 47193
reports an amount for the excess cost of those services, as 47194
authorized and calculated under division (A) or (B) of this 47195

section, the department shall pay that amount of excess cost to 47196
the district providing the services and shall deduct that amount 47197
from the child's district of residence in accordance with 47198
division (K) of section 3317.023 of the Revised Code. 47199

(D) If a district providing special education to a child 47200
to whom division (C) (4) of section 3313.64 of the Revised Code 47201
applies chooses to receive a tuition payment for that child 47202
under that division, that district shall not receive any 47203
payments under this section. 47204

Sec. 3323.141. (A) When a child who is not in the legal or 47205
permanent custody of an Ohio resident or a government agency in 47206
this state and whose natural or adoptive parents are not known 47207
to have been residents of this state subsequent to the child's 47208
birth is a resident of a home as defined in section 3313.64 of 47209
the Revised Code and receives special education and related 47210
services from a school district or county board of developmental 47211
disabilities, the home shall pay tuition to the board providing 47212
the special education. 47213

(B) In the case of a child described in division (A) of 47214
this section who receives special education and related services 47215
from a school district, tuition shall be the amount determined 47216
under division (B) (1) or (2) of this section. 47217

(1) For a child other than a child described in division 47218
(B) (2) of this section the tuition shall be an amount equal to 47219
the sum of the following: 47220

(a) Tuition as determined in the manner provided for by 47221
division (B) of section 3317.081 of the Revised Code for the 47222
district that provides the special education; 47223

(b) Such excess cost as is determined by using a formula 47224

established by rule of the department of education and 47225
workforce. The excess cost computed in this section shall not be 47226
used as excess cost computed under section 3323.14 of the 47227
Revised Code. 47228

(2) For a child who is a preschool child with a 47229
disability, the tuition shall be computed as follows: 47230

(a) Determine the amount of the tuition of the district 47231
providing the education for the child as calculated under 47232
division (B) of section 3317.08 of the Revised Code; 47233

(b) For each type of special education service included in 47234
the computation of the amount of tuition under division (B) (2) 47235
(a) of this section, divide the amount determined for that 47236
computation under division (B) (2) of section 3317.08 of the 47237
Revised Code by the total number of preschool children with 47238
disabilities used for that computation under division (B) (3) of 47239
section 3317.08 of the Revised Code; 47240

(c) Determine the sum of the quotients obtained under 47241
division (B) (2) (b) of this section; 47242

(d) Determine the sum of the amounts determined under 47243
divisions (B) (2) (a) and (c) of this section. 47244

(C) In the case of a child described in division (A) of 47245
this section who receives special education and related services 47246
from a county board of developmental disabilities, tuition shall 47247
be the amount determined under division (C) (1) or (2) of this 47248
section. 47249

(1) For a child other than a child described in division 47250
(C) (2) of this section, the tuition shall be an amount equal to 47251
such board's per capita cost of providing special education and 47252
related services for children at least three but less than 47253

twenty-two years of age as determined by using a formula 47254
established by rule of the department of developmental 47255
disabilities. 47256

(2) For a child who is a preschool child with a 47257
disability, the tuition shall equal the sum of the amounts of 47258
each such board's per capita cost of providing each of the 47259
special education or related service that the child receives. 47260
The calculation of tuition shall be made by using a formula 47261
established by rule of the department of developmental 47262
disabilities. The formula for the calculation of per capita 47263
costs under division (C) (2) of this section shall be based only 47264
on each such county board's cost of providing each type of 47265
special education or related service to preschool children with 47266
disabilities. 47267

(D) If a home fails to pay the tuition required under this 47268
section, the board of education or county board of developmental 47269
disabilities providing the education may recover in a civil 47270
action the tuition and the expenses incurred in prosecuting the 47271
action, including court costs and reasonable attorney's fees. If 47272
the prosecuting attorney or city director of law represents the 47273
board in such action, costs and reasonable attorney's fees 47274
awarded by the court, based upon the time spent preparing and 47275
presenting the case by the prosecuting attorney, director, or a 47276
designee of either, shall be deposited in the county or city 47277
general fund. 47278

Sec. 3323.142. As used in this section, "per pupil amount" 47279
for a preschool child with a disability included in such an 47280
approved unit means the amount determined by dividing the amount 47281
received for the classroom unit in which the child has been 47282
placed by the number of children in the unit. For any other 47283

child, "per pupil amount" means the amount paid for the child 47284
under section 3317.20 of the Revised Code. 47285

When a school district places or has placed a child with a 47286
county board of developmental disabilities for special 47287
education, but another district is responsible for tuition under 47288
section 3313.64 or 3313.65 of the Revised Code and the child is 47289
not a resident of the territory served by the county board of 47290
developmental disabilities, the board may charge the district 47291
responsible for tuition with the educational costs in excess of 47292
the per pupil amount received by the board under Chapter 3317. 47293
of the Revised Code. The amount of the excess cost shall be 47294
determined by the formula established by rule of the department 47295
of education and workforce under section 3323.14 of the Revised 47296
Code, and the payment for such excess cost shall be made by the 47297
school district directly to the county board of developmental 47298
disabilities. 47299

A school district board of education and the county board 47300
of developmental disabilities that serves the school district 47301
may negotiate and contract, at or after the time of placement, 47302
for payments by the board of education to the county board for 47303
additional services provided to a child placed with the county 47304
board and whose individualized education program established 47305
pursuant to section 3323.08 of the Revised Code requires 47306
additional services that are not routinely provided children in 47307
the county board's program but are necessary to maintain the 47308
child's enrollment and participation in the program. Additional 47309
services may include, but are not limited to, specialized 47310
supplies and equipment for the benefit of the child and 47311
instruction, training, or assistance provided by staff members 47312
other than staff members for which funding is received under 47313
Chapter 3317. of the Revised Code. 47314

Sec. 3323.15. The ~~state board~~ department of education and workforce may arrange to pay to any board of education, the board for any children with disabilities who are not residents of the district but for whom the district is providing special education. Payments shall be made in accordance with rules and standards of the state board of education.

Sec. 3323.17. The department of education and workforce shall:

(A) Provide supervision and technical assistance to school districts in all accepted methods of educating children with disabilities who have hearing impairments, including the oral, manual, and total communication methods, with no demonstrable bias toward any one method over another;

(B) Consult with employees of school districts and chartered nonpublic schools who confer with the parents of hearing impaired children about their children's education;

(C) Consult with chartered nonpublic schools and consult with and provide technical assistance to school districts that are or may be interested in integrating sign language into their curricula and that offer or may be interested in offering American sign language as a foreign language;

(D) Consult with school districts and chartered nonpublic schools that use interpreters in classrooms and with any other interested school districts or chartered nonpublic schools about how to obtain the best interpreters and how interpreters can improve their skills.

Sec. 3323.19. (A) Within three months after a student identified with disabilities begins receiving services for the first time under an individualized education program, the school

district in which that student is enrolled shall require the 47344
student to undergo a comprehensive eye examination performed 47345
either by an optometrist licensed under Chapter 4725. of the 47346
Revised Code or by a physician authorized under Chapter 4731. of 47347
the Revised Code to practice medicine and surgery or osteopathic 47348
medicine and surgery who is comprehensively trained and educated 47349
in the treatment of the human eye, eye disease, or comprehensive 47350
vision services, unless the student underwent such an 47351
examination within the nine-month period immediately prior to 47352
being identified with disabilities. 47353

However, no student who has not undergone the eye 47354
examination required under this section shall be prohibited from 47355
initiating, receiving, or continuing to receive services 47356
prescribed in the student's individualized education program. 47357

(B) The superintendent of each school district or the 47358
superintendent's designee may determine fulfillment of the 47359
requirement prescribed in division (A) of this section based on 47360
any special circumstances of the student, the student's parent, 47361
guardian, or family that may prevent the student from undergoing 47362
the eye examination prior to beginning special education 47363
services. 47364

(C) Except for a student who may be entitled to a 47365
comprehensive eye examination in the identification of the 47366
student's disabilities, in the development of the student's 47367
individualized education program, or as a related service under 47368
the student's individualized education program, neither the 47369
state nor any school district shall be responsible for paying 47370
for the eye examination required by this section. 47371

(D) The department of education and workforce annually 47372
shall do both of the following: 47373

(1) Notify each school district and community school of the requirements of this section; 47374
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(2) Collect from each school district and community school the total number of students enrolled in the district who were subject to the requirements of this section and the total number of students who received the examination, as verified by documentation received from the district. 47376
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Sec. 3323.20. On July 1, 2006, and on each first day of July thereafter, the department of education and workforce shall electronically report to the general assembly the number of preschool children with disabilities who received services for which the department made a payment to any provider during the previous fiscal year, disaggregated according to each area of developmental deficiency identified by the department for the evaluation of such children. 47381
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Sec. 3323.25. (A) As used in this section and section 3323.251 of the Revised Code: 47389
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(1) "Dyslexia" means a specific learning disorder that is neurological in origin and that is characterized by unexpected difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities not consistent with the person's intelligence, motivation, and sensory capabilities, which difficulties typically result from a deficit in the phonological component of language. 47391
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(2) "Appropriate certification" means either of the following: 47398
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(a) Certification at a certified level, or higher, from a research-based, structured literacy program; 47400
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(b) Any other certification as recognized by a majority 47402

vote of the Ohio dyslexia committee. 47403

(B) (1) The department of education and workforce shall 47404
establish the Ohio dyslexia committee which shall consist of the 47405
following members: 47406

(a) A school district superintendent appointed by the- 47407
~~superintendent of public instruction~~ director of education and 47408
workforce; 47409

(b) An elementary school principal appointed by the ~~state-~~ 47410
~~superintendent~~ director; 47411

(c) A classroom teacher appointed by the ~~state-~~ 47412
~~superintendent~~ director. The teacher shall have an appropriate 47413
certification and at least two years of experience teaching in a 47414
structured literacy program. 47415

(d) An educational service center employee appointed by 47416
the ~~state superintendent~~ director. The employee shall have an 47417
appropriate certification. 47418

(e) An employee of the department ~~of education~~ appointed 47419
by the ~~state superintendent~~ director; 47420

(f) A parent of a child with dyslexia or an adult with 47421
dyslexia appointed by the international dyslexia association in 47422
Ohio; 47423

(g) An individual with experience in higher education and 47424
teacher preparation programs appointed by the chancellor of 47425
higher education. The individual appointed by the chancellor 47426
shall have an appropriate certification. 47427

(h) A board member of the international dyslexia 47428
association in Ohio appointed by the international dyslexia 47429
association in Ohio. The board member shall have an appropriate 47430

certification. 47431

(i) A school psychologist appointed by the ~~state~~
~~superintendent~~ director; 47432
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(j) A reading intervention specialist appointed by the ~~state~~
~~superintendent~~ director. The reading intervention 47434
specialist shall have an appropriate certification. 47435
47436

(k) A speech-language pathologist appointed by the state 47437
speech and hearing professionals board. The speech-language 47438
pathologist shall have an appropriate certification. 47439

(2) Each appointing authority shall determine a selection 47440
process for the appointments under this section. Each appointing 47441
authority that is not the ~~state superintendent~~ director shall 47442
make and submit to the department each appointment prescribed 47443
under this section ~~not later than thirty days after April 12,~~
~~2021. The state superintendent also shall make each appointment~~
~~prescribed to the state superintendent under this section not~~
~~later than that date.~~ Members of the committee shall serve at 47444
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the pleasure of their appointing authority. 47448

(3) An individual may be appointed to the committee 47449
without required certification or experience if the appointing 47450
authority determines that the individual has sufficient 47451
experience in the individual's respective field. 47452

(4) The ~~state superintendent~~ director shall convene the 47453
first meeting of the committee within thirty days after nine 47454
members have been appointed to the committee. At the first 47455
meeting, members of the committee shall elect one of the members 47456
as chairperson. 47457

(5) The department shall provide facilities for the 47458
meetings of the committee. 47459

(C) (1) Not later than December 31, 2021, the Ohio dyslexia committee shall develop a guidebook regarding the best practices and methods for universal screening, intervention, and remediation for children with dyslexia or children displaying dyslexic characteristics and tendencies using a structured literacy program. 47460
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(2) The committee shall provide an opportunity for public input when developing the guidebook, in the manner determined by the committee. 47466
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(3) Prior to its distribution, the guidebook shall be subject to final approval by the ~~state board of education~~ department. 47469
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(4) The guidebook shall be developed and issued to districts and schools in an electronic format. After the initial development of the guidebook, the Ohio dyslexia committee shall update the guidebook as necessary. 47472
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(D) ~~Not later than December 31, 2021, the~~ The department, in collaboration with the Ohio dyslexia committee, shall do all of the following: 47476
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(1) Provide structured literacy program professional development for teachers in evidence-based dyslexia screening and intervention practices for the purposes of section 3319.077 of the Revised Code. 47479
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(2) Assist school districts and other public schools in establishing multidisciplinary teams to support the identification, intervention, and remediation of dyslexia; 47483
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(3) Develop reporting mechanisms for districts and schools to submit to the department the information and data required in the guidebook developed under this section; 47486
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- (4) Develop academic standards for kindergarten in reading and writing that incorporate a structured literacy program; 47489
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- (5) Provide on the department's web site information about training for teachers about dyslexia that is available at minimal or no cost. 47491
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- (E) The department, in collaboration with the Ohio dyslexia committee, shall identify reliable, valid, universal, and evidence-based screening and intervention measures that evaluate the literacy skills of students enrolled in grades kindergarten through five using a structured literacy program. 47494
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- (F) The Ohio dyslexia committee may do any of the following: 47499
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- (1) Recommend appropriate ratios in school buildings for students to teachers who have received certification in identifying and addressing dyslexia; 47501
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- (2) Recommend which other school personnel, including school psychologists or speech-language pathologists, should receive certification in identifying and addressing dyslexia; 47504
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- (3) Consider and make recommendations regarding whether professional development required under section 3319.077 of the Revised Code should require the completion of a practicum. 47507
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- Sec. 3323.251.** (A) Each school district and other public school shall do all of the following: 47510
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- (1) For the 2023-2024 school year, administer a tier one dyslexia screening measure to a student to whom either of the following applies: 47512
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- (a) The student is enrolled in any of grades kindergarten through three. A screening measure shall be administered to a 47515
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student enrolled in kindergarten after January 1, 2024, but 47517
prior to January 1, 2025. 47518

(b) The student is enrolled in any of grades four through 47519
six and either of the following applies: 47520

(i) The student's parent, guardian, or custodian requests 47521
that the screening measure be administered to the student. 47522

(ii) A classroom teacher requests that the screening 47523
measure be administered to the student and the student's parent, 47524
guardian, or custodian grants permission for the screening 47525
measure to be administered. 47526

A school district may implement the screening under 47527
division (A) (1) of this section prior to the 2023-2024 school 47528
year. 47529

(2) For the 2024-2025 school year and each school year 47530
thereafter, administer a tier one dyslexia screening measure to 47531
a student to whom either of the following applies: 47532

(a) A student enrolled in kindergarten. A screening 47533
measure shall be administered to a student after the first day 47534
of January of the school year in which the student is enrolled 47535
in kindergarten and prior to the first day of January of the 47536
following school year. 47537

(b) A student enrolled in any of grades one through six if 47538
either of the following applies: 47539

(i) The student's parent, guardian, or custodian requests 47540
that the screening measure be administered to the student. 47541

(ii) A classroom teacher requests that the screening 47542
measure be administered to the student and the student's parent, 47543
guardian, or custodian grants permission for the screening 47544

measure to be administered. 47545

A district or school may administer a tier two dyslexia 47546
screening measure to a student to whom the district or school 47547
administers a tier one screening measure under division (A) (1) 47548
or (2) of this section. In that case, a district or school shall 47549
not be required to complete division (A) (4) of this section. 47550

(3) Identify each student that is at risk of dyslexia 47551
based on the student's results on the tier one screening measure 47552
and notify the student's parent, guardian, or custodian that the 47553
student has been identified as being at risk. 47554

(4) Monitor the progress of each at-risk student toward 47555
attaining grade-level reading and writing skills for up to six 47556
weeks. The district or school shall check each at-risk student's 47557
progress on at least the second week, fourth week, and sixth 47558
week after the student is identified as being at risk. If no 47559
progress is observed during the monitoring period, the district 47560
or school shall notify the parent, guardian, or custodian of the 47561
student and administer a tier two dyslexia screening measure to 47562
the student. 47563

(5) Report to a student's parent or guardian the student's 47564
results on a tier two screening measure approved by the Ohio 47565
dyslexia committee within thirty days after the measure's 47566
administration. If, as determined by the tier two screening 47567
measure, the student is identified as having dyslexia 47568
tendencies, the student's parent or guardian shall be provided 47569
with information about reading development, the risk factors for 47570
dyslexia, and descriptions for evidenced-based interventions. 47571

(6) If a student demonstrates markers for dyslexia, 47572
provide the student's parents or guardian with a written 47573

explanation of the district or school's structured literacy program. 47574
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(B) (1) Beginning in the 2023-2024 school year, each district or school shall: 47576
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(a) Administer a tier one dyslexia screening measure to each kindergarten student that transfers into the district or school midyear during the school's regularly scheduled screening of the kindergarten class or within thirty days after the student's enrollment if the screening already has been completed; 47578
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(b) Administer a tier one dyslexia screening measure to each student in grades one through six that transfers into the district or school midyear within thirty days after the student's enrollment. 47584
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(2) If a student is identified as being at risk of dyslexia under division (B) (1) of this section, the district or school shall administer a tier two screening measure in a timely manner. 47588
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(C) Each district or school shall do all of the following: 47592

(1) Comply with any provisions that are statutorily required, as they pertain to the guidebook developed under division (C) of section 3323.25 of the Revised Code; 47593
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(2) Select screening and intervention measures to administer to students from the measures identified under division (E) of section 3323.25 of the Revised Code; 47596
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(3) Establish a multidisciplinary team to administer screening and intervention measures and analyze the results of the measures. The team shall include trained and certified 47599
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personnel and a stakeholder with expertise in the 47602
identification, intervention, and remediation of dyslexia. 47603

(4) Report to the department of education and workforce 47604
the results of screening measures administered under this 47605
section. 47606

In addition, districts and schools may utilize any best 47607
practices and recommendations contained in the guidebook 47608
developed under division (C) of section 3323.25 of the Revised 47609
Code. 47610

Sec. 3323.32. (A) The department of education and 47611
workforce shall contract with an entity to administer programs 47612
and coordinate services for infants, preschool and school-age 47613
children, and adults with autism and low incidence disabilities. 47614
The entity shall be selected by the ~~superintendent of public~~ 47615
~~instruction~~ director of education and workforce in consultation 47616
with the advisory board established under section 3323.33 of the 47617
Revised Code. 47618

The contract with the entity selected shall include, but 47619
not be limited to, the following provisions: 47620

(1) A description of the programs to be administered and 47621
services to be provided or coordinated by the entity, which 47622
shall include at least the duties prescribed by sections 3323.34 47623
and 3323.35 of the Revised Code; 47624

(2) A description of the expected outcomes from the 47625
programs administered and services provided or coordinated by 47626
the entity; 47627

(3) A stipulation that the entity's performance is subject 47628
to evaluation by the department and renewal of the entity's 47629
contract is subject to the department's satisfaction with the 47630

entity's performance; 47631

(4) A description of the measures and milestones the 47632
department will use to determine whether the performance of the 47633
entity is satisfactory; 47634

(5) Any other provision the department determines is 47635
necessary to ensure the quality of services to individuals with 47636
autism and low incidence disabilities. 47637

(B) In selecting the entity under division (A) of this 47638
section, the ~~superintendent~~director of education and workforce 47639
and the advisory board shall give primary consideration to the 47640
Ohio Center for Autism and Low Incidence, established under 47641
section 3323.31 of the Revised Code, as long as the principal 47642
goals and mission of the Center, as determined by the 47643
~~superintendent~~director and the advisory board, are consistent 47644
with the requirements of divisions (A) (1) to (5) of this 47645
section. 47646

Sec. 3323.33. The ~~superintendent of public instruction~~ 47647
director of education and workforce shall establish an advisory 47648
board to assist and advise the Franklin county educational 47649
service center in the operation of the Ohio Center for Autism 47650
and Low Incidence and the ~~superintendent of public instruction~~ 47651
director in selecting an entity to administer programs and 47652
coordinate services for individuals with autism and low 47653
incidence disabilities as required by section 3323.32 of the 47654
Revised Code and to provide technical assistance in the 47655
provision of such services. As determined by the 47656
~~superintendent~~director, the advisory board shall consist of 47657
individuals who are stakeholders in the service to persons with 47658
autism and low incidence disabilities, including, but not 47659
limited to, the following: 47660

- (A) Persons with autism and low incidence disabilities; 47661
- (B) Parents and family members; 47662
- (C) Educators and other professionals; 47663
- (D) Higher education instructors; 47664
- (E) Representatives of state agencies. 47665

The advisory board shall be organized as determined by the 47666
~~superintendent~~director. 47667

Members of the advisory board shall receive no 47668
compensation for their services. 47669

Sec. 3324.01. As used in this section and sections 3324.02 47670
through 3324.06 of the Revised Code: 47671

(A) "Approved" means approved by the department of 47672
education and workforce and included on the list compiled by the 47673
department under section 3324.02 of the Revised Code. 47674

(B) "Gifted" means students who perform or show potential 47675
for performing at remarkably high levels of accomplishment when 47676
compared to others of their age, experience, or environment and 47677
who are identified under division (A), (B), (C), or (D) of 47678
section 3324.03 of the Revised Code. 47679

(C) "School district" does not include a joint vocational 47680
school district. 47681

(D) "Specific academic ability field" means one or more of 47682
the following areas of instruction: 47683

- (1) Mathematics; 47684
- (2) Science; 47685
- (3) Reading, writing, or a combination of these skills; 47686

(4) Social studies. 47687

Sec. 3324.02. (A) The department of education and 47688
workforce shall construct lists of existing assessment 47689
instruments it approves for use by school districts, and may 47690
include on the lists and make available to school districts 47691
additional assessment instruments developed by the department. 47692
Wherever possible, the department shall approve assessment 47693
instruments that utilize nationally recognized standards for 47694
scoring or are nationally normed. The lists of instruments shall 47695
include: 47696

(1) Initial screening instruments for use in selecting 47697
potentially gifted students for further assessment; 47698

(2) Instruments for identifying gifted students under 47699
section 3324.03 of the Revised Code. 47700

(B) The department, under Chapter 119. of the Revised 47701
Code, shall also adopt rules for the administration of any tests 47702
or assessment instruments it approves on the list required by 47703
division (A) of this section and for establishing the scores or 47704
performance levels required under section 3324.03 of the Revised 47705
Code. 47706

(C) The department shall ensure that the approved list of 47707
assessment instruments under this section includes instruments 47708
that allow for appropriate screening and identification of 47709
gifted minority and disadvantaged students, children with 47710
disabilities, and students for whom English is a second 47711
language. 47712

(D) Districts shall select screening and identification 47713
instruments from the approved lists for inclusion in their 47714
district policies. 47715

(E) The department shall make initial lists of approved 47716
assessment instruments and the rules for the administration of 47717
the instruments available by September 1, 1999. 47718

Sec. 3324.03. The board of education of each school 47719
district shall identify gifted students in grades kindergarten 47720
through twelve as follows: 47721

(A) A student shall be identified as exhibiting "superior 47722
cognitive ability" if the student did either of the following 47723
within the preceding twenty-four months: 47724

(1) Scored two standard deviations above the mean, minus 47725
the standard error of measurement, on an approved individual 47726
standardized intelligence test administered by a licensed school 47727
psychologist or licensed psychologist; 47728

(2) Accomplished any one of the following: 47729

(a) Scored at least two standard deviations above the 47730
mean, minus the standard error of measurement, on an approved 47731
standardized group intelligence test; 47732

(b) Performed at or above the ninety-fifth percentile on 47733
an approved individual or group standardized basic or composite 47734
battery of a nationally normed achievement test; 47735

(c) Attained an approved score on one or more above-grade 47736
level standardized, nationally normed approved tests. 47737

(B) A student shall be identified as exhibiting "specific 47738
academic ability" superior to that of children of similar age in 47739
a specific academic ability field if within the preceding 47740
twenty-four months the student performs at or above the ninety- 47741
fifth percentile at the national level on an approved individual 47742
or group standardized achievement test of specific academic 47743

ability in that field. A student may be identified as gifted in 47744
more than one specific academic ability field. 47745

(C) A student shall be identified as exhibiting "creative 47746
thinking ability" superior to children of a similar age, if 47747
within the previous twenty-four months, the student scored one 47748
standard deviation above the mean, minus the standard error of 47749
measurement, on an approved individual or group intelligence 47750
test and also did either of the following: 47751

(1) Attained a sufficient score, as established by the 47752
department of education and workforce, on an approved individual 47753
or group test of creative ability; 47754

(2) Exhibited sufficient performance, as established by 47755
the department ~~of education~~, on an approved checklist of 47756
creative behaviors. 47757

(D) A student shall be identified as exhibiting "visual or 47758
performing arts ability" superior to that of children of similar 47759
age if the student has done both of the following: 47760

(1) Demonstrated through a display of work, an audition, 47761
or other performance or exhibition, superior ability in a visual 47762
or performing arts area; 47763

(2) Exhibited sufficient performance, as established by 47764
the department ~~of education~~, on an approved checklist of 47765
behaviors related to a specific arts area. 47766

Sec. 3324.04. The board of education of each school 47767
district shall adopt a plan by January 1, 2000, for identifying 47768
gifted students. The plan shall be submitted to the department 47769
of education and workforce for approval. The department shall 47770
approve the plan within sixty days if it contains all of the 47771
following: 47772

(A) A description of the assessment instruments from the list adopted by the department that the district will use to screen and identify gifted students;

(B) Acceptable scheduling procedures for screening and for administering assessment instruments for identifying gifted students. These procedures shall provide:

(1) At least two opportunities a year for assessment in the case of students requesting assessment or recommended for assessment by teachers, parents, or other students;

(2) Assurance of inclusion in screening and assessment procedures for minority and disadvantaged students, children with disabilities, and students for whom English is a second language;

(3) Assurance that any student transferring into the district will be assessed within ninety days of the transfer at the request of a parent.

(C) Procedures for notification of parents within thirty days about the results of any screening procedure or assessment instrument and the provision of an opportunity for parents to appeal any decision about the results of any screening procedure or assessment, the scheduling of children for assessment, or the placement of a student in any program or for receipt of services;

(D) A commitment that the district will accept scores on assessment instruments provided by other school districts or trained personnel outside the school district, provided the assessment instruments are on the list approved by the department of ~~education~~ under section 3324.02 of the Revised Code.

The district's plan may provide for the district to 47802
contract with any qualified public or private service provider 47803
to provide screening or assessment services under the plan. 47804

The department shall assist any district whose plan it 47805
disapproves under this section to amend the plan so that it 47806
meets the requirements of this section. 47807

Sec. 3324.05. (A) Each school district shall submit an 47808
annual report to the department of education and workforce 47809
specifying the number of students in each of grades kindergarten 47810
through twelve screened, the number assessed, and the number 47811
identified as gifted in each category specified in section 47812
3324.03 of the Revised Code. For fiscal years 2022 and 2023, 47813
this report shall also specify the number of students served in 47814
each category specified in section 3324.03 of the Revised Code. 47815

(B) For fiscal years 2022 and 2023, not later than the 47816
thirty-first day of October, the department shall publish both 47817
of the following using data submitted by school districts under 47818
the education management information system established under 47819
section 3301.0714 of the Revised Code: 47820

(1) Services offered by each school district to students 47821
identified as gifted in each of the following grade bands: 47822

(a) Kindergarten through third grade; 47823

(b) Fourth through eighth grade; 47824

(c) Ninth through twelfth grade. 47825

(2) The number of licensed gifted intervention specialists 47826
and coordinators employed or contracted by each school district. 47827

(C) The department ~~of education~~ shall audit each school 47828
district's identification numbers at least once every three 47829

years and may select any district at random or upon complaint or 47830
suspicion of noncompliance for a further audit to determine 47831
compliance with sections 3324.03 to 3324.06 of the Revised Code. 47832
If a school district's audit under this division occurs during 47833
fiscal year 2022 or 2023, the department shall also audit the 47834
district's service numbers. 47835

(D) The department shall provide technical assistance to 47836
any district found in noncompliance under division (C) of this 47837
section. For fiscal years 2022 and 2023, the department shall 47838
reduce funds received by the district under Chapter 3317. of the 47839
Revised Code by any amount if the district continues to be 47840
noncompliant. For fiscal year 2024 and each fiscal year 47841
thereafter, the department may reduce funds received by the 47842
district under Chapter 3317. of the Revised Code by any amount 47843
if the district continues to be noncompliant. 47844

Sec. 3324.06. The board of education of each school 47845
district shall adopt a statement of its policy for the screening 47846
and identification of gifted students and shall distribute the 47847
policy statement to parents. The policy statement shall specify: 47848

(A) The criteria and methods the district uses to screen 47849
students and to select students for further assessment who 47850
perform or show potential for performing at remarkably high 47851
levels of accomplishment in one of the gifted areas specified in 47852
section 3324.03 of the Revised Code; 47853

(B) The sources of assessment data the district uses to 47854
select students for further testing and an explanation for 47855
parents of the multiple assessment instruments required to 47856
identify gifted students under section 3324.03 of the Revised 47857
Code; 47858

(C) An explanation for parents of the methods the district uses to ensure equal access to screening and further assessment by all district students, including minority or disadvantaged students, children with disabilities, and students for whom English is a second language;

(D) Provisions to ensure equal opportunity for all district students identified as gifted to receive any services offered by the district;

(E) Provisions for students to withdraw from gifted programs or services, for reassessment of students, and for assessment of students transferring into the district;

(F) Methods for resolving disagreements between parents and the district concerning identification and placement decisions.

A copy of the district's policy adopted under this section shall accompany the district's plan submitted to the department of education and workforce under section 3324.04 of the Revised Code.

Sec. 3324.07. (A) The board of education of each school district shall develop a plan for the service of gifted students enrolled in the district that are identified under section 3324.03 of the Revised Code. Services specified in the plan developed by each board may include such options as the following:

(1) A differentiated curriculum;

(2) Cluster grouping;

(3) Mentorships;

(4) Accelerated course work;

(5) The college credit plus program under Chapter 3365. of the Revised Code;	47887 47888
(6) Advanced placement;	47889
(7) Honors classes;	47890
(8) Magnet schools;	47891
(9) Self-contained classrooms;	47892
(10) Independent study;	47893
(11) International baccalaureate;	47894
(12) Other options identified in rules adopted by the department of education <u>and workforce</u> .	47895 47896
(B) Each board shall file the plan developed under division (A) of this section with the department of education by December 15, 2000 <u>and workforce</u> . The department shall review and analyze each plan to determine if it is adequate and to make funding estimates.	47897 47898 47899 47900 47901
(C) Unless otherwise required by law, rule, or as a condition for receipt of funds, school boards may implement the plans developed under division (A) of this section, but shall not be required to do so until further action by the general assembly or the state superintendent of public instruction <u>director of education and workforce</u> .	47902 47903 47904 47905 47906 47907
Sec. 3324.08. Any person employed by a school district and assigned to a school as a principal or any other position may also serve as the district's gifted education coordinator, if qualified to do so pursuant to the rules adopted by the state board <u>department of education and workforce</u> under this chapter.	47908 47909 47910 47911 47912
Sec. 3324.09. (A) For fiscal years 2022 and 2023, not	47913

later than the thirtieth day of October, the department of 47914
education and workforce shall publish on its web site the funds 47915
received for the previous fiscal year by each school district 47916
under division (A) (6) of section 3317.022 of the Revised Code 47917
for the identification of and services provided to the 47918
district's gifted students and each district's expenditures of 47919
those funds. 47920

(B) For fiscal year 2024 and each fiscal year thereafter, 47921
not later than the thirtieth day of October, the department 47922
shall publish on its web site each school district's 47923
expenditures for the previous fiscal year of funds received 47924
under division (A) (6) of section 3317.022 of the Revised Code 47925
for the identification of and services provided to the 47926
district's gifted students. 47927

Sec. 3324.10. (A) ~~Prior to June 30, 2006, the state board~~ 47928
The department of education and workforce shall adopt a model 47929
student acceleration policy addressing recommendations in the 47930
former department of education's 2005 study conducted under the 47931
gifted research and demonstration grant program. The policy 47932
shall address, but not be limited to, whole grade acceleration, 47933
subject area acceleration, and early high school graduation. 47934

(B) The board of education of each city, local, and 47935
exempted village school district shall implement a student 47936
acceleration policy to take effect beginning in the 2006-2007 47937
school year. The policy shall either be the model adopted by the 47938
~~state board~~ department under division (A) of this section or a 47939
policy covering similar issues that is adopted by the district 47940
board. If the district board does not adopt the ~~state board's~~ 47941
department's model, it shall submit its policy to the department 47942
for review and approval. The department, upon request, shall 47943

provide technical assistance to the district board in developing 47944
the policy. 47945

Sec. 3324.11. No rule adopted by the ~~state board~~ director 47946
of education and workforce pursuant to this chapter, section 47947
3301.07 of the Revised Code, or any other provision of the 47948
Revised Code shall permit a school district to report that it 47949
has provided services to a student identified as gifted unless 47950
those services are paid for by the district. Nothing in this 47951
section shall prohibit a district from requiring a student to 47952
pay the costs of advanced placement or international 47953
baccalaureate examinations. 47954

Sec. 3325.01. The state school for the deaf and the state 47955
school for the blind shall be under the control and supervision 47956
of the ~~state board~~ department of education and workforce. ~~On the~~ 47957
~~recommendation of the superintendent of public instruction, the~~ 47958
~~state board of education~~ The department shall appoint a 47959
superintendent for the state school for the deaf and a 47960
superintendent for the state school for the blind, each of whom 47961
shall serve at the pleasure of the ~~state board~~ department. 47962

Sec. 3325.011. Subject to the regulations adopted by the 47963
~~state board~~ department of education and workforce, the state 47964
school for the deaf shall be open to receive persons who are 47965
deaf, partially deaf, and both blind and deaf residents of this 47966
state, who, in the judgment of the ~~superintendent of public~~ 47967
~~instruction~~ director of education and workforce and the 47968
superintendent of the school for the deaf, due to such 47969
disability, cannot be educated in the public school system and 47970
are suitable persons to receive instructions according to the 47971
methods employed in such school. The superintendent of the 47972
school for the deaf may pay the expenses necessary for the 47973

instruction of children who are both blind and deaf, who are 47974
resident of this state, in any suitable institution. 47975

Sec. 3325.02. (A) As used in this chapter, "visual 47976
impairment" means blindness, partial blindness, deaf-blindness, 47977
or multiple disabilities if one of the disabilities is vision 47978
related. 47979

(B) Subject to the regulations adopted by the ~~state board-~~ 47980
department of education and workforce, the state school for the 47981
blind shall be open to receive persons who are residents of this 47982
state, whose disabilities are visual impairments, and who, in 47983
the judgment of the ~~superintendent of public instruction-~~ 47984
director of education and workforce and the superintendent of 47985
the school for the blind, due to such disability, cannot be 47986
educated in the public school system and are suitable persons to 47987
receive instructions according to the methods employed in the 47988
school. 47989

Sec. 3325.03. The superintendent of the state school for 47990
the deaf or the superintendent of the state school for the blind 47991
may return to ~~its~~the pupil's parents, guardian, or proper agency 47992
any pupil under ~~his~~the superintendent's jurisdiction, who, in 47993
the opinion of such superintendent and the ~~superintendent of-~~ 47994
~~public instruction~~director of education and workforce, is not 47995
making sufficient progress in ~~its~~the pupil's school or 47996
industrial work to justify ~~its~~ continuance as a pupil in such 47997
school. 47998

Sec. 3325.04. The superintendent of the state school for 47999
the deaf and the superintendent of the state school for the 48000
blind, with the approval of the ~~superintendent of public-~~ 48001
~~instruction~~director of education and workforce, shall, for their 48002
respective schools and subject to the rules and regulations of 48003

the civil service, employ suitable teachers, nurses, and other 48004
help necessary to provide the proper instruction and care for 48005
the pupils under their jurisdiction. 48006

No individual hired on or after ~~the effective date of this~~ 48007
~~amendment~~ August 29, 1991, as a classroom teacher at the state 48008
school for the blind shall be permitted to retain employment as 48009
a teacher at the school unless prior to the date of such hiring, 48010
or within one year of that date, the individual completes at 48011
least two courses of instruction in braille at an institution of 48012
higher education or demonstrates equivalent competency in the 48013
use of braille to the satisfaction of the superintendent of the 48014
state school for the blind. 48015

Sec. 3325.05. The ~~state board~~ department of education and 48016
workforce may provide for the further and higher education of 48017
any blind pupils, who in its judgment are capable of receiving 48018
sufficient benefit to render them more efficient as citizens, by 48019
appointing readers for such persons to read from textbooks and 48020
pamphlets used in their studies while in attendance as regularly 48021
matriculated students in any college, university, or technical 48022
or professional school located in this state and authorized to 48023
grant degrees. Any fund appropriated for such purpose shall be 48024
distributed under the direct supervision of the ~~state board of~~ 48025
~~education~~ department. No person shall receive the benefit 48026
conferred by this section who has not had an actual residence in 48027
this state for at least one year. 48028

Sec. 3325.06. (A) The ~~state board~~ department of education_ 48029
and workforce shall institute and establish a program of 48030
education ~~by the department of education~~ to train parents of 48031
deaf or hard of hearing children of preschool age. The object 48032
and purpose of the educational program shall be to aid and 48033

assist the parents of deaf or hard of hearing children of 48034
preschool age in affording to the children the means of optimum 48035
communicational facilities. 48036

(B) The ~~state board of education~~ department shall 48037
institute and establish a program of education to train and 48038
assist parents of children of preschool age whose disabilities 48039
are visual impairments. The object and purpose of the 48040
educational program shall be to enable the parents of children 48041
of preschool age whose disabilities are visual impairments to 48042
provide their children with learning experiences that develop 48043
early literacy, communication, mobility, and daily living skills 48044
so the children can function independently in their living 48045
environments. 48046

Sec. 3325.07. The ~~state board~~ department of education and 48047
workforce in carrying out this section and division (A) of 48048
section 3325.06 of the Revised Code shall, insofar as 48049
practicable, plan, present, and carry into effect an educational 48050
program by means of any of the following methods of instruction: 48051

(A) Classes for parents of deaf or hard of hearing 48052
children of preschool age; 48053

(B) A nursery school where parent and child would enter 48054
the nursery school as a unit; 48055

(C) Correspondence course; 48056

(D) Personal consultations and interviews; 48057

(E) Day-care or child development courses; 48058

(F) Summer enrichment courses; 48059

(G) By such other means or methods as the superintendent 48060
of the state school for the deaf deems advisable that would 48061

permit a deaf or hard of hearing child of preschool age to 48062
construct a pattern of communication at an early age. 48063

The superintendent may allow children who are not deaf or 48064
hard of hearing to participate in the methods of instruction 48065
described in divisions (A) to (G) of this section as a means to 48066
assist deaf or hard of hearing children to construct a pattern 48067
of communication. The superintendent shall establish policies 48068
and procedures regarding the participation of children who are 48069
not deaf or hard of hearing. 48070

The superintendent may establish reasonable fees for 48071
participation in the methods of instruction described in 48072
divisions (A) to (G) of this section to defray the costs of 48073
carrying them out. The superintendent shall determine the manner 48074
by which any such fees shall be collected. All fees shall be 48075
deposited in the even start fees and gifts fund, which is hereby 48076
created in the state treasury. The money in the fund shall be 48077
used to implement this section. 48078

Sec. 3325.071. The ~~state board~~ department of education and 48079
workforce in carrying out this section and division (B) of 48080
section 3325.06 of the Revised Code shall, insofar as 48081
practicable, plan, present, and carry into effect an educational 48082
program by means of any of the following methods of instruction: 48083

(A) Classes for parents of children of preschool age whose 48084
disabilities are visual impairments, independently or in 48085
cooperation with community agencies; 48086

(B) Periodic interactive parent-child classes for infants 48087
and toddlers whose disabilities are visual impairments; 48088

(C) Correspondence course; 48089

(D) Personal consultations and interviews; 48090

(E) Day-care or child development courses for children and parents; 48091
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(F) Summer enrichment courses; 48093

(G) By such other means or methods as the superintendent of the state school for the blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to construct a pattern of communication and develop literacy, mobility, and independence at an early age. 48094
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The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments. 48099
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The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the state school for the blind even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section. 48109
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Sec. 3325.08. (A) A diploma shall be granted by the superintendent of the state school for the blind and the superintendent of the state school for the deaf to any student 48117
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enrolled in one of these state schools to whom all of the 48120
following apply: 48121

(1) The student has successfully completed the 48122
individualized education program developed for the student for 48123
the student's high school education pursuant to section 3323.08 48124
of the Revised Code; 48125

(2) Subject to section 3313.614 of the Revised Code, the 48126
student has met the assessment requirements of division (A) (2) 48127
(a) or (b) of this section, as applicable. 48128

(a) If the student entered the ninth grade prior to July 48129
1, 2014, the student either: 48130

(i) Has attained at least the applicable scores designated 48131
under division (B) (1) of section 3301.0710 of the Revised Code 48132
on all the assessments prescribed by that division unless 48133
division (L) of section 3313.61 of the Revised Code applies to 48134
the student; 48135

(ii) Has satisfied the alternative conditions prescribed 48136
in section 3313.615 of the Revised Code. 48137

(b) If the student entered the ninth grade on or after 48138
July 1, 2014, the student has met the requirement prescribed by 48139
section 3313.618 of the Revised Code, except to the extent that 48140
division (L) of section 3313.61 of the Revised Code applies to 48141
the student. 48142

(3) The student is not eligible to receive an honors 48143
diploma granted pursuant to division (B) of this section. 48144

No diploma shall be granted under this division to anyone 48145
except as provided under this division. 48146

(B) In lieu of a diploma granted under division (A) of 48147

this section, the superintendent of the state school for the 48148
blind and the superintendent of the state school for the deaf 48149
shall grant an honors diploma, in the same manner that the 48150
boards of education of school districts grant such diplomas 48151
under division (B) of section 3313.61 of the Revised Code, to 48152
any student enrolled in one of these state schools who 48153
accomplishes all of the following: 48154

(1) Successfully completes the individualized education 48155
program developed for the student for the student's high school 48156
education pursuant to section 3323.08 of the Revised Code; 48157

(2) Subject to section 3313.614 of the Revised Code, has 48158
met the assessment requirements of division (B) (2) (a) or (b) of 48159
this section, as applicable. 48160

(a) If the student entered the ninth grade prior to July 48161
1, 2014, the student either: 48162

(i) Has attained at least the applicable scores designated 48163
under division (B) (1) of section 3301.0710 of the Revised Code 48164
on all the assessments prescribed under that division; 48165

(ii) Has satisfied the alternative conditions prescribed 48166
in section 3313.615 of the Revised Code. 48167

(b) If the student entered the ninth grade on or after 48168
July 1, 2014, the student has met the requirement prescribed by 48169
section 3313.618 of the Revised Code. 48170

(3) Has met additional criteria for granting an honors 48171
diploma. 48172

These additional criteria shall be the same as those 48173
prescribed by the state board under division (B) of section 48174
3313.61 of the Revised Code for the granting of such diplomas by 48175

school districts. No honors diploma shall be granted to anyone 48176
failing to comply with this division and not more than one 48177
honors diploma shall be granted to any student under this 48178
division. 48179

(C) A diploma or honors diploma awarded under this section 48180
shall be signed by the ~~superintendent of public instruction~~ 48181
director of education and workforce and the superintendent of 48182
the state school for the blind or the superintendent of the 48183
state school for the deaf, as applicable. Each diploma shall 48184
bear the date of its issue and be in such form as the school 48185
superintendent prescribes. 48186

(D) Upon granting a diploma to a student under this 48187
section, the superintendent of the state school in which the 48188
student is enrolled shall provide notice of receipt of the 48189
diploma to the board of education of the school district where 48190
the student is entitled to attend school under section 3313.64 48191
or 3313.65 of the Revised Code when not residing at the state 48192
school for the blind or the state school for the deaf. The 48193
notice shall indicate the type of diploma granted. 48194

Sec. 3325.09. (A) The ~~state board~~ department of education_ 48195
and workforce shall institute and establish career-technical 48196
education and work training programs for secondary and post- 48197
secondary students whose disabilities are visual impairments. 48198
These programs shall develop communication, mobility, and work 48199
skills and assist students in becoming productive members of 48200
society so that they can contribute to their communities and 48201
living environments. 48202

(B) The state school for the blind may use any gifts, 48203
donations, or bequests it receives under section 3325.10 of the 48204
Revised Code for one or more of the following purposes that are 48205

related to career-technical and work training programs for 48206
secondary and post-secondary students whose disabilities are 48207
visual impairments: 48208

(1) Room and board; 48209

(2) Training in mobility and orientation; 48210

(3) Activities that teach daily living skills; 48211

(4) Rehabilitation technology; 48212

(5) Activities that teach group and individual social and 48213
interpersonal skills; 48214

(6) Work placement in the community by the school or a 48215
community agency; 48216

(7) Transportation to and from work sites or locations of 48217
community interaction; 48218

(8) Supervision and management of programs and services. 48219

Sec. 3325.11. There is hereby created in the state 48220
treasury the state school for the blind student activity and 48221
work-study fund. Moneys received from donations, bequests, the 48222
school vocational program, and any other moneys designated for 48223
deposit in the fund by the superintendent of the state school 48224
for the blind shall be credited to the fund. Notwithstanding 48225
section 3325.01 of the Revised Code, the approval of the ~~state-~~ 48226
~~board department of education and workforce~~ is not required to 48227
designate money for deposit into the fund. The school for the 48228
blind shall use money in the fund for school operating expenses, 48229
including, but not limited to, personal services, maintenance, 48230
and equipment related to student support, activities, and 48231
vocational programs, and for providing scholarships to students 48232
for further training upon graduation. 48233

Sec. 3325.12. Money deposited with the superintendent of 48234
the state school for the blind and the superintendent of the 48235
state school for the deaf by parents, relatives, guardians, and 48236
friends for the special benefit of any pupil shall remain in the 48237
hands of the respective superintendent for use accordingly. Each 48238
superintendent shall deposit the money into one or more personal 48239
deposit funds. Each superintendent shall keep itemized book 48240
accounts of the receipt and disposition of the money, which 48241
books shall be open at all times to the inspection of the 48242
~~superintendent of public instruction~~director of education and 48243
workforce. The superintendent of the state school for the blind 48244
and the superintendent of the state school for the deaf each 48245
shall adopt rules governing the deposit, transfer, withdrawal, 48246
or investment of the money and the investment earnings of the 48247
money. 48248

Whenever a pupil ceases to be enrolled in the state school 48249
for the blind or the state school for the deaf, if personal 48250
money of the pupil remains in the hands of the respective 48251
superintendent and no demand is made upon the superintendent by 48252
the pupil or the pupil's parent or guardian, the superintendent 48253
shall hold the money in a personal deposit fund for a period of 48254
at least one year. During that time, the superintendent shall 48255
make every effort possible to locate the pupil or the pupil's 48256
parent or guardian. If, at the end of this period, no demand has 48257
been made for the money held by the state school for the blind, 48258
the superintendent of the state school for the blind shall 48259
dispose of the money by transferring it to the state school for 48260
the blind student activity and work-study fund established by 48261
section 3325.11 of the Revised Code. If at the end of this 48262
period, no demand has been made for the money held by the state 48263
school for the deaf, the superintendent of the state school for 48264

the deaf shall dispose of the money by transferring it to the 48265
state school for the deaf educational program expenses fund 48266
established by section 3325.16 of the Revised Code. 48267

Sec. 3325.13. The state school for the blind employees 48268
food service fund is hereby created in the state treasury. The 48269
fund shall consist of payments received from employees who make 48270
purchases from the school's food service program. 48271
Notwithstanding section 3325.01 of the Revised Code, the 48272
approval of the ~~state board~~ department of education and 48273
workforce is not required to designate money for deposit into 48274
the fund. The school for the blind shall use money in the fund 48275
to pay costs associated with the school's food service program. 48276

Sec. 3325.14. The state school for the deaf employees food 48277
service fund is hereby created in the state treasury. The fund 48278
shall consist of payments received from employees who make 48279
purchases from the school's food service program. 48280
Notwithstanding section 3325.01 of the Revised Code, the 48281
approval of the ~~state board~~ department of education and 48282
workforce is not required to designate money for deposit into 48283
the fund. The school for the deaf shall use money in the fund to 48284
pay costs associated with the school's food service program. 48285

Sec. 3325.16. There is hereby created in the state 48286
treasury the state school for the deaf educational program 48287
expenses fund. Moneys received by the school from donations, 48288
bequests, student fundraising activities, fees charged for camps 48289
and workshops, gate receipts from athletic contests, and the 48290
student work experience program operated by the school, and any 48291
other moneys designated for deposit in the fund by the 48292
superintendent of the school, shall be credited to the fund. 48293
Notwithstanding section 3325.01 of the Revised Code, the 48294

approval of the ~~state board~~ department of education and 48295
workforce is not required to designate money for deposit into 48296
the fund. The state school for the deaf shall use moneys in the 48297
fund for educational programs, after-school activities, and 48298
expenses associated with student activities and clubs. 48299

Sec. 3325.17. There is hereby created in the state 48300
treasury the state school for the blind educational program 48301
expense fund. Moneys received by the school from donations, 48302
bequests, student fundraising activities, fees charged for 48303
camps, workshops, and summer work and learn cooperative 48304
programs, gate receipts from school activities, and any other 48305
moneys designated for deposit in the fund by the superintendent 48306
of the school, shall be credited to the fund. Notwithstanding 48307
section 3325.01 of the Revised Code, the approval of the ~~state-~~ 48308
~~board department of education and workforce~~ is not required to 48309
designate money for deposit into the fund. The state school for 48310
the blind shall use moneys in the fund for educational programs, 48311
after-school activities, and expenses associated with student 48312
activities. 48313

Sec. 3326.02. There is hereby established the STEM 48314
committee of the department of education and workforce 48315
consisting of the following members: 48316

(A) The ~~superintendent of public instruction~~ director of 48317
education and workforce, or the ~~superintendent's~~ director's 48318
designee; 48319

(B) The chancellor of higher education, or the 48320
chancellor's designee; 48321

(C) The director of development, or the director's 48322
designee; 48323

(D) Four members of the public, two of whom shall be 48324
appointed by the governor, one of whom shall be appointed by the 48325
speaker of the house of representatives, and one of whom shall 48326
be appointed by the president of the senate. Members of the 48327
public shall be appointed based on their expertise in business 48328
or in STEM fields. 48329

All members of the committee appointed under division (D) 48330
of this section shall serve at the pleasure of their appointing 48331
authority. 48332

If a member listed in divisions (A) to (C) of this section 48333
elects to assign a designee to participate in committee business 48334
on the member's behalf, the member shall assign that designation 48335
to a single person for the time period in which the designation 48336
is effective. 48337

Members of the committee shall receive no compensation for 48338
their services. The department of education and workforce shall 48339
provide administrative support for the committee. 48340

Sec. 3326.03. (A) The STEM committee shall authorize the 48341
establishment of science, technology, engineering, and 48342
mathematics schools based on proposals submitted to the 48343
committee. 48344

The committee shall determine the criteria for proposals, 48345
establish procedures for the submission of proposals, accept and 48346
evaluate proposals, and choose which proposals to approve to 48347
become a STEM school. In approving proposals for STEM schools, 48348
the committee shall consider designating schools in diverse 48349
geographic regions of the state so that all students have access 48350
to a STEM school. 48351

The committee shall seek technical assistance from the 48352

Ohio STEM learning network, or its successor, throughout the 48353
process of accepting and evaluating proposals and choosing which 48354
proposals to approve. In approving proposals for STEM schools, 48355
the committee shall consider the recommendations of the Ohio 48356
STEM learning network, or its successor. 48357

The committee may authorize the establishment of a group 48358
of multiple STEM schools to operate from multiple facilities 48359
located in one or more school districts under the direction of a 48360
single governing body in the manner prescribed by section 48361
3326.031 of the Revised Code. The committee shall consider the 48362
merits of each of the proposed STEM schools within a group and 48363
shall authorize each school separately. Anytime after 48364
authorizing a group of STEM schools to be under the direction of 48365
a single governing body, the committee may authorize one or more 48366
additional schools to operate as part of that group, provided a 48367
proposal for each school is submitted in accordance with this 48368
section. 48369

The STEM committee may approve one or more STEM schools to 48370
serve only students identified as gifted under Chapter 3324. of 48371
the Revised Code. 48372

(B) Proposals may be submitted only by a partnership of 48373
public and private entities consisting of at least all of the 48374
following: 48375

(1) A city, exempted village, or local school district; 48376

(2) Higher education entities; 48377

(3) Business organizations. 48378

A community school established under Chapter 3314. of the 48379
Revised Code, a chartered nonpublic school, or both may be part 48380
of the partnership. 48381

- (C) Each proposal shall include at least the following: 48382
- (1) A statement of which of grades kindergarten through 48383
twelve will be offered by the school; 48384
- (2) Assurances that the STEM school or group of STEM 48385
schools will be under the oversight of a governing body and a 48386
description of the members of that governing body and how they 48387
will be selected; 48388
- (3) Assurances that each STEM school will operate in 48389
compliance with this chapter and the provisions of the proposal 48390
as accepted by the committee and that the school will maintain 48391
the STEM education practices set forth in the proposal; 48392
- (4) Evidence that each school will exhibit school-wide 48393
cultural strategies reflecting innovation, an entrepreneurial 48394
spirit, inquiry, and collaboration with individual 48395
accountability; 48396
- (5) Evidence that each school will offer a rigorous, 48397
diverse, integrated, and problem- or project-based curriculum to 48398
all students enrolled in the school, with the goal to prepare 48399
all students for post-high school learning experiences, the 48400
workforce, and citizenship, and that does all of the following: 48401
- (a) Emphasizes and supports the role of science, 48402
technology, engineering, and mathematics in promoting innovation 48403
and economic progress; 48404
- (b) Emphasizes the use of design thinking as a school-wide 48405
approach; 48406
- (c) Provides opportunities for students to engage in 48407
personalized learning; 48408
- (d) Includes the arts and humanities. If the proposal is 48409

for a STEAM school, it also shall include evidence that the 48410
curriculum will integrate arts and design into the study of 48411
science, technology, engineering, and mathematics to foster 48412
creative thinking, problem-solving, and new approaches to 48413
scientific invention. 48414

(6) Evidence that school leadership supports the 48415
curriculum principles of division (C) (5) of this section; 48416

(7) A description of how each school's curriculum was 48417
developed using the curriculum principles described in division 48418
(C) (5) of this section and approved by a team in accordance with 48419
section 3326.09 of the Revised Code; 48420

(8) Evidence that each school will participate in regular 48421
STEM-focused professional development and share knowledge of 48422
best practices; 48423

(9) Evidence that each school has established partnerships 48424
with institutions of higher education and businesses. If the 48425
proposal is for a STEAM school, it also shall include evidence 48426
of established partnerships with one or more arts organizations. 48427

(10) Assurances that each school has received commitments 48428
of sustained and verifiable fiscal and in-kind support from 48429
regional education and business entities. If the proposal is for 48430
a STEAM school, it also shall include assurances that the school 48431
has received commitments of sustained and verifiable fiscal and 48432
in-kind support from arts organizations. 48433

(11) A description of how each school's assets will be 48434
distributed if the school closes for any reason. 48435

(D) A STEM school that is designated under this section 48436
may submit an amended proposal to the STEM committee at any time 48437
to offer additional grade levels. Upon approval of the amended 48438

proposal by the committee, those grades may be offered by the 48439
school. 48440

(E) (1) If a school is designated as a STEM school under 48441
this section, it shall maintain that designation for five years 48442
unless the STEM committee revokes its designation during that 48443
five-year period under division (F) of this section. At the end 48444
of that five-year period, the school shall reapply to the STEM 48445
committee in order to maintain that designation. The committee 48446
shall authorize the continuation of the school's STEM 48447
designation if the committee finds that the school is in 48448
compliance with this chapter and the provisions of its proposal 48449
and any subsequent amendments to that proposal. 48450

If a school chooses not to reapply for designation as a 48451
STEM school under division (E) (1) of this section, the committee 48452
shall revoke the school's designation at the end of its five- 48453
year designation period. 48454

(2) If a school reapplies for its designation as a STEM 48455
school under division (E) (1) of this section and the committee 48456
has reason to believe that it is not in compliance with this 48457
chapter or the provisions of its proposal and any subsequent 48458
amendments to that proposal, the committee shall require the 48459
school, in collaboration with the department of education and 48460
workforce and the Ohio STEM learning network or its successor, 48461
to develop a corrective action plan. The school shall implement 48462
the corrective action plan and demonstrate exemplary STEM 48463
pedagogy and practices within one year of the plan's 48464
development. If the school fails to implement the corrective 48465
action plan to the satisfaction of the committee at the end of 48466
that year, the committee shall revoke the school's designation. 48467

(3) The department shall maintain records of the 48468

application status and designation renewal deadlines for each 48469
school that has been designated as a STEM school under this 48470
section. 48471

(F) If the STEM committee has reason to believe that a 48472
school that is designated as a STEM school under this section is 48473
not in compliance with this chapter or the provisions of its 48474
proposal and any subsequent amendments to that proposal, it may 48475
review the school's designation prior to the end of its five- 48476
year designation period. If the committee reviews a school's 48477
designation under this division, it must require the school to 48478
develop a corrective action plan in the same manner as specified 48479
in division (E) (2) of this section and implement that plan and 48480
demonstrate exemplary STEM pedagogy and practices within one 48481
year of the plan's development. If the school fails to implement 48482
the corrective action plan to the satisfaction of the committee 48483
at the end of that year, the committee shall revoke the school's 48484
designation. 48485

(G) If a STEM school wishes to become a STEAM school, it 48486
may change its existing proposal to include the items required 48487
under divisions (C) (5) (d), (C) (9), and (C) (10) of this section 48488
and submit the revised proposal to the STEM committee for 48489
approval. 48490

(H) Notwithstanding division (B) (1) of this section, on 48491
~~and after the effective date of this amendment~~ September 30, 48492
2021, a school operated by a joint vocational school district 48493
that was designated as a STEM school prior to that date may 48494
maintain that designation provided the school continues to 48495
comply with this chapter and all provisions of its proposal and 48496
any subsequent amendments to that proposal. However, nothing 48497
shall prohibit that school from electing to apply for a 48498

designation of STEM school equivalent or distinction as a STEM 48499
program of excellence under section 3326.032 or 3326.04 of the 48500
Revised Code, respectively. 48501

Sec. 3326.032. (A) The STEM committee may grant a 48502
designation of STEM school equivalent to any of the following 48503
schools: 48504

(1) A school operated by a joint vocational school 48505
district; 48506

(2) A school offering career-technical education programs 48507
that is operated by a school district that is a comprehensive 48508
career-technical education provider; 48509

(3) A school offering career-technical education programs 48510
that is operated by a school district that is a participant in a 48511
compact career-technical education provider; 48512

(4) A community school established under Chapter 3314. of 48513
the Revised Code; 48514

(5) A chartered nonpublic school. 48515

In order to be eligible for this designation, a school 48516
shall submit a proposal that satisfies the requirements of this 48517
section. 48518

The committee shall determine the criteria for proposals, 48519
establish procedures for the submission of proposals, accept and 48520
evaluate proposals, and choose which proposals warrant a school 48521
to be designated as a STEM school equivalent. 48522

(B) A proposal for designation as a STEM school equivalent 48523
shall include at least the following: 48524

(1) A statement of which of grades kindergarten through 48525

twelve will be offered by the school;	48526
(2) Assurances that the school will operate in compliance with this section and the provisions of the proposal as accepted by the committee and that the school will maintain the STEM education practices set forth in the proposal;	48527 48528 48529 48530
(3) Evidence that the school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;	48531 48532 48533 48534
(4) Evidence that the school will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to all students enrolled in the school, with the goal to prepare all students for post-secondary learning experiences, the workforce, and citizenship, and that does all of the following:	48535 48536 48537 48538 48539
(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	48540 48541 48542
(b) Emphasizes the use of design thinking as a school-wide approach;	48543 48544
(c) Provides opportunities for students to engage in personalized learning;	48545 48546
(d) Includes the arts and humanities. If the proposal is for a STEAM school equivalent, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.	48547 48548 48549 48550 48551 48552
(5) Evidence that the school leadership supports the	48553

curriculum principles of division (B)(4) of this section; 48554

(6) A description of how the school's curriculum was 48555
developed using the principles of division (B)(4) of this 48556
section and approved by a team in accordance with section 48557
3326.09 of the Revised Code; 48558

(7) Evidence that the school will participate in regular 48559
professional development and share knowledge of best practices; 48560

(8) Evidence that the school has established partnerships 48561
with institutions of higher education and businesses. If the 48562
proposal is for a STEAM school equivalent, it also shall include 48563
evidence of established partnerships with one or more arts 48564
organizations. 48565

(9) Assurances that the school has received commitments of 48566
sustained and verifiable fiscal and in-kind support from 48567
regional education and business entities. If the proposal is for 48568
a STEAM school equivalent, it also shall include assurances that 48569
the school has received commitments of sustained and verifiable 48570
fiscal and in-kind support from arts organizations. 48571

(C)(1) If a school is designated as a STEM school 48572
equivalent under this section, it shall maintain that 48573
designation for five years unless the STEM committee revokes its 48574
designation during that five-year period under division (D) of 48575
this section. At the end of that five-year period, the school 48576
shall reapply to the STEM committee in order to maintain that 48577
designation. The committee shall authorize the continuation of 48578
the school's designation as a STEM school equivalent if the 48579
committee finds that the school is in compliance with this 48580
chapter and the provisions of its proposal and any subsequent 48581
amendments to that proposal. 48582

If a school chooses not to reapply for designation as a STEM school equivalent under division (C)(1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period.

(2) If a school reapplies for its designation as a STEM school equivalent under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and workforce and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation.

(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school equivalent under this section.

(D) If the STEM committee has reason to believe that a school that is designated as a STEM school equivalent under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as

specified in division (C) (2) of this section and implement that 48613
plan and demonstrate exemplary STEM pedagogy and practices 48614
within one year of the plan's development. If the school fails 48615
to implement the corrective action plan to the satisfaction of 48616
the committee at the end of that year, the committee shall 48617
revoke the school's designation. 48618

(E) A school that is designated as a STEM school 48619
equivalent under this section shall not be subject to the 48620
requirements of Chapter 3326. of the Revised Code, except that 48621
the school shall be subject to the requirements of this section 48622
and to the curriculum requirements of section 3326.09 of the 48623
Revised Code. 48624

Nothing in this section, however, shall relieve a 48625
community school of the applicable requirements of Chapter 3314. 48626
of the Revised Code. Nor shall anything in this section relieve 48627
a school operated by a joint vocational school district, a 48628
school operated by a comprehensive career-technical education 48629
provider, a school operated by a compact career-technical 48630
education provider, or a chartered nonpublic school of any 48631
provisions of law outside of this chapter that are applicable to 48632
such schools. 48633

(2) A school that is designated as a STEM school 48634
equivalent under this section shall not be eligible for 48635
operating funding under sections 3326.31 to 3326.37, 3326.39 to 48636
3326.40, and 3326.51 of the Revised Code. 48637

(3) A school that is designated as a STEM school 48638
equivalent under this section may apply for any of the grants 48639
and additional funds described in section 3326.38 of the Revised 48640
Code for which the school is eligible. 48641

(F) If a school that is designated as a STEM school 48642
equivalent under this section intends to close or intends to no 48643
longer be designated as a STEM school equivalent, it shall 48644
notify the STEM committee of that fact. 48645

(G) If a school that is designated as a STEM school 48646
equivalent wishes to be designated as a STEAM school equivalent, 48647
it may change its existing proposal to include the items 48648
required under divisions (B) (4) (d), (B) (8), and (B) (9) of this 48649
section and submit the revised proposal to the STEM committee 48650
for approval. 48651

Sec. 3326.04. (A) The STEM committee shall grant 48652
distinctions as STEM programs of excellence to STEM programs 48653
operated by joint vocational school districts, comprehensive 48654
career-technical education providers, compact career-technical 48655
education providers, and educational service centers in 48656
accordance with this section. 48657

(B) A joint vocational school district, comprehensive 48658
career-technical education provider, compact career-technical 48659
education provider, or educational service center may submit a 48660
proposal to the STEM committee seeking distinction as a STEM 48661
program of excellence. The proposal shall demonstrate to the 48662
satisfaction of the STEM committee that the program meets at 48663
least the following standards: 48664

(1) Unless the program is designed to serve only students 48665
identified as gifted under Chapter 3324. of the Revised Code, 48666
the program will serve all students enrolled in the grades for 48667
which the program is designed. 48668

(2) The program will provide students with the opportunity 48669
to innovate, develop an entrepreneurial spirit, engage in 48670

inquiry, and collaborate with individual accountability. 48671

(3) The program will offer a rigorous, diverse, 48672
integrated, and problem- or project-based curriculum to 48673
students, with the goal to prepare students for post-secondary 48674
learning experiences, the workforce, and citizenship, and that 48675
does all of the following: 48676

(a) Emphasizes and supports the role of science, 48677
technology, engineering, and mathematics in promoting innovation 48678
and economic progress; 48679

(b) Emphasizes the use of design thinking as a school-wide 48680
approach; 48681

(c) Provides opportunities for students to engage in 48682
personalized learning; 48683

(d) Includes the arts and humanities. If the proposal is 48684
for distinction as a STEAM program of excellence, it also shall 48685
include evidence that the curriculum will integrate arts and 48686
design into the study of science, technology, engineering, and 48687
mathematics to foster creative thinking, problem-solving, and 48688
new approaches to scientific invention. 48689

(4) The district, provider, or service center leadership 48690
supports the curriculum principles of division (B) (3) of this 48691
section. 48692

(5) The program's leaders participate in regular STEM- 48693
focused professional development and share knowledge of best 48694
practices. 48695

(6) The program has established partnerships with 48696
institutions of higher education and businesses. If the proposal 48697
is for distinction as a STEAM program of excellence, it also 48698

shall include evidence of established partnerships with one or more arts organizations. 48699
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(7) The program has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for distinction as a STEAM program of excellence, the program also has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations; 48701
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(8) The program's curriculum was developed using the principles described in division (B)(3) of this section and approved by a team in accordance with section 3326.09 of the Revised Code. 48707
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(C)(1) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center receives a distinction as a STEM program of excellence under this section, it shall maintain that distinction for five years unless the STEM committee revokes the distinction during that five-year period under division (E) of this section. At the end of that five-year period, the district, provider, or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's, provider's, or service center's distinction as a STEM program of excellence if the committee finds that the district, provider, or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal. 48711
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If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center chooses not to 48726
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reapply for a distinction for a STEM program of excellence under 48729
division (C)(1) of this section, the committee shall revoke the 48730
district's, provider's, or service center's distinction at the 48731
end of its five-year period of distinction. 48732

(2) If a joint vocational school district, comprehensive 48733
career-technical education provider, compact career-technical 48734
education provider, or educational service center reapplies for 48735
distinction as a STEM program of excellence under division (C) 48736
(1) of this section and the committee has reason to believe that 48737
it is not in compliance with this chapter or the provisions of 48738
its proposal and any subsequent amendments to that proposal, the 48739
committee shall require the district, provider, or service 48740
center, in collaboration with the department of education and 48741
workforce and the Ohio STEM learning network or its successor, 48742
to develop a corrective action plan. The district, provider, or 48743
service center shall implement the corrective action plan and 48744
demonstrate exemplary STEM pedagogy and practices within one 48745
year of the plan's development. If the district, provider, or 48746
service center fails to implement the corrective action plan to 48747
the satisfaction of the committee at the end of that year, the 48748
committee shall revoke the district's, provider's, or service 48749
center's distinction. 48750

(3) The department shall maintain records of the 48751
application status and designation renewal deadlines for each 48752
joint vocational school district, comprehensive career-technical 48753
education provider, compact career-technical education provider, 48754
or educational service center that has received a distinction as 48755
a STEM program of excellence under this section. 48756

(D) If the STEM committee has reason to believe that a 48757
joint vocational school district, comprehensive career-technical 48758

education provider, compact career-technical education provider, 48759
or educational service center that has received a distinction as 48760
a STEM program of excellence under this section is not in 48761
compliance with this chapter or the provisions of its proposal 48762
and any subsequent amendments to that proposal, it may review 48763
the district's, provider's, or service center's distinction 48764
prior to the end of the five-year period during which that 48765
distinction is effective. If the committee reviews a district's, 48766
provider's, or service center's distinction under this division, 48767
it must require the district, provider, or service center to 48768
develop a corrective action plan in the same manner as specified 48769
in division (C) (2) of this section and implement that plan and 48770
demonstrate exemplary STEM pedagogy and practices within one 48771
year of the plan's development. If the district, provider, or 48772
service center fails to implement the corrective action plan to 48773
the satisfaction of the committee at the end of that year, the 48774
committee shall revoke the district's, provider's, or service 48775
center's distinction. 48776

(E) If a joint vocational school district, comprehensive 48777
career-technical education provider, compact career-technical 48778
education provider, or educational service center that has 48779
received distinction for a STEM program of excellence instead 48780
wishes to receive a distinction for a STEAM program of 48781
excellence, it may change its existing proposal to include the 48782
items required under divisions (B) (3) (d), (B) (6), and (B) (7) of 48783
this section and submit the revised proposal to the STEM 48784
committee for approval. 48785

Sec. 3326.08. (A) The governing body of each science, 48786
technology, engineering, and mathematics school shall engage the 48787
services of administrative officers, teachers, and nonteaching 48788
employees of the STEM school necessary for the school to carry 48789

out its mission and shall oversee the operations of the school. 48790
The governing body of each STEM school shall engage the services 48791
of a chief administrative officer to serve as the school's 48792
instructional and administrative leader. The chief 48793
administrative officer shall be granted the authority to oversee 48794
the recruitment, retention, and employment of teachers and 48795
nonteaching employees. 48796

(B) The department of education and workforce shall 48797
monitor the oversight of each STEM school exercised by the 48798
school's governing body and shall monitor the school's 48799
compliance with this chapter and with the proposal for the 48800
establishment of the school as it was approved by the STEM 48801
committee under section 3326.03 of the Revised Code. Except in 48802
the case of a STEM school that is governed and controlled by a 48803
school district in accordance with section 3326.51 of the 48804
Revised Code, if the department finds that the school is not in 48805
compliance with this chapter or with the proposal and the STEM 48806
committee has revoked the school's STEM designation under 48807
division (E) (1) or (2) or (F) of section 3326.03 of the Revised 48808
Code, the department shall consult with the STEM committee, and 48809
the committee shall order the school to close on the last day of 48810
the school year in which the committee issues its order. 48811

(C) The governing body of each STEM school shall comply 48812
with sections 121.22 and 149.43 of the Revised Code. 48813

Sec. 3326.081. (A) As used in this section, "license" has 48814
the same meaning as in section 3319.31 of the Revised Code. 48815

(B) If a person who is employed by a science, technology, 48816
engineering, and mathematics school established under this 48817
chapter is arrested, summoned, or indicted for an alleged 48818
violation of an offense listed in division (C) of section 48819

3319.31 of the Revised Code, if the person holds a license, or 48820
an offense listed in division (B)(1) of section 3319.39 of the 48821
Revised Code, if the person does not hold a license, the chief 48822
administrative officer of the school shall suspend that person 48823
from all duties that require the care, custody, or control of a 48824
child during the pendency of the criminal action against the 48825
person. If the person who is arrested, summoned, or indicted for 48826
an alleged violation of an offense listed in division (C) of 48827
section 3319.31 or division (B)(1) of section 3319.39 of the 48828
Revised Code is the chief administrative officer of the school, 48829
the governing body of the school shall suspend the chief 48830
administrative officer from all duties that require the care, 48831
custody, or control of a child. 48832

(C) When a person who holds a license is suspended in 48833
accordance with this section, the chief administrative officer 48834
or governing body that imposed the suspension promptly shall 48835
report the person's suspension to the department of education_ 48836
and workforce and to the state board of education. The report 48837
shall include the offense for which the person was arrested, 48838
summoned, or indicted. 48839

Sec. 3326.15. Each science, technology, engineering, and 48840
mathematics school and its governing body shall comply with 48841
sections 3313.603 and 3313.6027 of the Revised Code as if it 48842
were a school district. However, a STEM school may permit a 48843
student to earn units of high school credit based on a 48844
demonstration of subject area competency instead of or in 48845
combination with completing hours of classroom instruction prior 48846
to the adoption by the ~~state board~~ department of education and 48847
workforce of the plan for granting high school credit based on 48848
competency, as required by division (J) of that section. Upon 48849
adoption of the plan, each STEM school shall comply with that 48850

plan and award units of high school credit in accordance with 48851
the plan. 48852

Sec. 3326.17. (A) The department of education and 48853
workforce shall issue an annual report card for each science, 48854
technology, engineering, and mathematics school that includes 48855
all information applicable to school buildings under section 48856
3302.03 of the Revised Code. 48857

(B) Beginning with the report cards issued for the 2020- 48858
2021 school year, for each student enrolled in a STEM school 48859
that is not a STEM school governed by a STEM school sponsoring 48860
district, as defined in section 3326.51 of the Revised Code, the 48861
department shall combine data regarding the academic performance 48862
of that student with comparable data from the school district in 48863
which the student is entitled to attend school pursuant to 48864
section 3313.64 or 3313.65 of the Revised Code for the purpose 48865
of calculating the performance of the district as a whole on the 48866
report card issued for the district under section 3302.03 of the 48867
Revised Code. 48868

(C) The department also shall compute a rating for each 48869
group of STEM schools that is under the direction of the same 48870
governing body, as authorized under section 3326.031 of the 48871
Revised Code, and issue a distinct report card for the group as 48872
a whole. 48873

(D) Each STEM school and its governing body shall comply 48874
with sections 3302.04 and 3302.041 of the Revised Code, except 48875
that any action required to be taken by a school district 48876
pursuant to those sections shall be taken by the school. 48877
~~However, the school shall not be required to take any action~~ 48878
~~described in division (F) of section 3302.04 of the Revised~~ 48879
~~Code.~~ 48880

Sec. 3326.211. (A) If the auditor of state or a public 48881
accountant, pursuant to section 117.41 of the Revised Code, 48882
declares a science, technology, engineering, and mathematics 48883
school to be unauditabile, the auditor of state shall provide 48884
written notification of that declaration to the school and the 48885
department of education and workforce. The auditor of state also 48886
shall post the notification on the auditor of state's web site. 48887

(B) If the STEM school's current treasurer held that 48888
position during the period for which the school is unauditabile, 48889
upon receipt of the notification under division (A) of this 48890
section, the governing body of the school shall suspend the 48891
treasurer until the auditor of state or a public accountant has 48892
completed an audit of the school. Suspension of the treasurer 48893
may be with or without pay, as determined by the governing body 48894
based on the circumstances that prompted the auditor of state's 48895
declaration. The governing body shall appoint a person to assume 48896
the duties of the treasurer during the period of the suspension. 48897
If the appointee is not licensed as a treasurer under section 48898
3301.074 of the Revised Code, the appointee shall be approved by 48899
the ~~superintendent of public instruction~~ director of education 48900
and workforce before assuming the duties of the treasurer. The 48901
state board of education may take action under section 3319.31 48902
of the Revised Code to suspend, revoke, or limit the license of 48903
a treasurer who has been suspended under this division. 48904

(C) Not later than forty-five days after receiving the 48905
notification under division (A) of this section, the governing 48906
body of the STEM school shall provide a written response to the 48907
auditor of state. The response shall include the following: 48908

(1) An overview of the process the governing body will use 48909
to review and understand the circumstances that led to the 48910

school becoming unauditabile; 48911

(2) A plan for providing the auditor of state with the 48912
documentation necessary to complete an audit of the school and 48913
for ensuring that all financial documents are available in the 48914
future; 48915

(3) The actions the governing body will take to ensure 48916
that the plan described in division (C) (2) of this section is 48917
implemented. 48918

(D) If the STEM school fails to make reasonable efforts 48919
and continuing progress to bring its accounts, records, files, 48920
or reports into an auditabile condition within ninety days after 48921
being declared unauditabile, the auditor of state, in addition to 48922
requesting legal action under sections 117.41 and 117.42 of the 48923
Revised Code, shall notify the school and the department of the 48924
school's failure. If the auditor of state or a public accountant 48925
subsequently is able to complete a financial audit of the 48926
school, the auditor of state shall notify the school and the 48927
department that the audit has been completed. 48928

(E) Notwithstanding any provision to the contrary in this 48929
chapter or in any other provision of law, upon notification by 48930
the auditor of state under division (D) of this section that the 48931
STEM school has failed to make reasonable efforts and continuing 48932
progress to bring its accounts, records, files, or reports into 48933
an auditabile condition, the department shall immediately cease 48934
all payments to the school under this chapter and any other 48935
provision of law. Upon subsequent notification from the auditor 48936
of state under that division that the auditor of state or a 48937
public accountant was able to complete a financial audit of the 48938
school, the department shall release all funds withheld from the 48939
school under this section. 48940

Sec. 3326.23. This section does not apply to any science, 48941
technology, engineering, and mathematics school that is governed 48942
and controlled by a school district in accordance with section 48943
3326.51 of the Revised Code on or after ~~the effective date of~~ 48944
~~this amendment~~ September 30, 2021. 48945

The governing body of each science, technology, 48946
engineering, and mathematics school annually shall provide the 48947
following assurances in writing to the department of education_ 48948
and workforce not later than ten business days prior to the 48949
opening of the school: 48950

(A) That the school has a plan for providing special 48951
education and related services to students with disabilities and 48952
has demonstrated the capacity to provide those services in 48953
accordance with Chapter 3323. of the Revised Code and federal 48954
law; 48955

(B) That the school has a plan and procedures for 48956
administering the achievement and diagnostic assessments 48957
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 48958
the Revised Code; 48959

(C) That school personnel have the necessary training, 48960
knowledge, and resources to properly use and submit information 48961
to all databases maintained by the department for the collection 48962
of education data, including the education management 48963
information system established under section 3301.0714 of the 48964
Revised Code; 48965

(D) That all required information about the school has 48966
been submitted to the Ohio education directory system or any 48967
successor system; 48968

(E) That all classroom teachers are licensed in accordance 48969

with sections 3319.22 to 3319.31 of the Revised Code or are	48970
engaged to teach pursuant to section 3319.301 of the Revised	48971
Code;	48972
(F) That the school's treasurer is in compliance with	48973
section 3326.21 of the Revised Code;	48974
(G) That the school has complied with sections 3319.39 and	48975
3319.391 of the Revised Code with respect to all employees and	48976
that the school has conducted a criminal records check of each	48977
of its governing body members;	48978
(H) That the school holds all of the following:	48979
(1) Proof of property ownership or a lease for the	48980
facilities used by the school;	48981
(2) A certificate of occupancy;	48982
(3) Liability insurance for the school, as required by	48983
section 3326.11 of the Revised Code;	48984
(4) A satisfactory health and safety inspection;	48985
(5) A satisfactory fire inspection;	48986
(6) A valid food permit, if applicable.	48987
(I) That the governing body has conducted a pre-opening	48988
site visit to the school for the school year for which the	48989
assurances are provided;	48990
(J) That the school has designated a date it will open for	48991
the school year for which the assurances are provided;	48992
(K) That the school has met all of the governing body's	48993
requirements for opening and any other requirements of the	48994
governing body.	48995

Sec. 3326.28. (A) With the approval of its governing body, 48996
a STEM school established under this chapter may procure 48997
epinephrine autoinjectors in the manner prescribed by section 48998
3313.7110 of the Revised Code. A STEM school that elects to do 48999
so shall comply with all provisions of that section as if it 49000
were a school district. 49001

(B) (1) The following are not liable in damages in a civil 49002
action for injury, death, or loss to person or property that 49003
allegedly arises from an act or omission associated with 49004
procuring, maintaining, accessing, or using an epinephrine 49005
autoinjector under this section, unless the act or omission 49006
constitutes willful or wanton misconduct: 49007

(a) A STEM school; 49008

(b) A member of a STEM school governing body; 49009

(c) A STEM school employee or contractor; 49010

(d) A licensed health professional authorized to prescribe 49011
drugs who personally furnishes or prescribes epinephrine 49012
autoinjectors, provides a consultation, or issues a protocol 49013
pursuant to this section. 49014

(2) This division does not eliminate, limit, or reduce any 49015
other immunity or defense that a STEM school or governing body, 49016
member of a STEM school governing body, STEM school employee or 49017
contractor, or licensed health professional may be entitled to 49018
under Chapter 2744. or any other provision of the Revised Code 49019
or under the common law of this state. 49020

(C) A STEM school may accept donations of epinephrine 49021
autoinjectors from a wholesale distributor of dangerous drugs or 49022
a manufacturer of dangerous drugs, as defined in section 4729.01 49023
of the Revised Code, and may accept donations of money from any 49024

person to purchase epinephrine autoinjectors. 49025

(D) A STEM school that elects to procure epinephrine 49026
autoinjectors under this section shall report to the department 49027
of education and workforce each procurement and occurrence in 49028
which an epinephrine autoinjector is used from the school's 49029
supply of epinephrine autoinjectors. 49030

Sec. 3326.30. (A) As used in this section, "inhaler" has 49031
the same meaning as in section 3313.7113 of the Revised Code. 49032

(B) With the approval of its governing body, a STEM school 49033
may procure inhalers in the manner prescribed by section 49034
3313.7113 of the Revised Code. A STEM school that elects to do 49035
so shall comply with all provisions of that section as if it 49036
were a school district. 49037

(C) A STEM school, a member of a STEM school governing 49038
body, or a STEM school employee or contractor is not liable in 49039
damages in a civil action for injury, death, or loss to person 49040
or property that allegedly arises from an act or omission 49041
associated with procuring, maintaining, accessing, or using an 49042
inhaler under this section, unless the act or omission 49043
constitutes willful or wanton misconduct. 49044

This division does not eliminate, limit, or reduce any 49045
other immunity or defense that a STEM school or governing body, 49046
member of a STEM school governing body, or STEM school employee 49047
or contractor may be entitled to under Chapter 2744. or any 49048
other provision of the Revised Code or under the common law of 49049
this state. 49050

(D) A STEM school may accept donations of inhalers from a 49051
wholesale distributor of dangerous drugs or a manufacturer of 49052
dangerous drugs, as defined in section 4729.01 of the Revised 49053

Code, and may accept donations of money from any person to 49054
purchase inhalers. 49055

(E) A STEM school that elects to procure inhalers under 49056
this section shall report to the department of education and 49057
workforce each procurement and occurrence in which an inhaler is 49058
used from the school's supply of inhalers. 49059

Sec. 3326.32. Each science, technology, engineering, and 49060
mathematics school shall report to the department of education_ 49061
and workforce, in the form and manner required by the 49062
department, all of the following information: 49063

(A) The total number of students enrolled in the school 49064
who are residents of this state; 49065

(B) The number of students reported under division (A) of 49066
this section who are receiving special education and related 49067
services pursuant to an IEP; 49068

(C) For each student reported under division (B) of this 49069
section, which category specified in divisions (A) to (F) of 49070
section 3317.013 of the Revised Code applies to the student; 49071

(D) The full-time equivalent number of students reported 49072
under division (A) of this section who are enrolled in career- 49073
technical education programs or classes described in each of 49074
divisions (A) (1), (2), (3), (4), and (5) of section 3317.014 of 49075
the Revised Code that are provided by the STEM school; 49076

(E) The number of students reported under division (A) of 49077
this section who are English learners and which category 49078
specified in divisions (A) to (C) of section 3317.016 of the 49079
Revised Code applies to each student; 49080

(F) The number of students reported under division (A) of 49081

this section who are economically disadvantaged, as defined by 49082
the department. A student shall not be categorically excluded 49083
from the number reported under division (F) of this section 49084
based on anything other than family income. 49085

(G) The resident district of each student reported under 49086
division (A) of this section; 49087

(H) The total number of students enrolled in the school 49088
who are not residents of this state and any additional 49089
information regarding these students that the department 49090
requires the school to report. The school shall not receive any 49091
payments under this chapter for students reported under this 49092
division. 49093

(I) Any additional information the department determines 49094
necessary to make payments under this chapter. 49095

Sec. 3326.34. If a science, technology, engineering, and 49096
mathematics school established under this chapter incurs costs 49097
for a fiscal year for a student receiving special education and 49098
related services pursuant to an IEP for a disability described 49099
in divisions (B) to (F) of section 3317.013 of the Revised Code 49100
that exceed the threshold catastrophic cost for serving the 49101
student as specified in division (B) of section 3317.0214 of the 49102
Revised Code, the STEM school may submit to the ~~superintendent~~ 49103
~~of public instruction~~ department of education and workforce 49104
documentation, as prescribed by the ~~superintendent~~ department, of 49105
all its costs for that student. Upon submission of documentation 49106
for a student of the type and in the manner prescribed, the 49107
department ~~of education~~ shall pay to the school or, if the 49108
school is part of a group of science, technology, engineering, 49109
and mathematics schools under section 3326.031 of the Revised 49110
Code, to the governing body of that group an amount equal to the 49111

school's costs for the student in excess of the threshold 49112
catastrophic costs. 49113

The school shall only report under this section, and the 49114
department shall only pay for, the costs of educational expenses 49115
and the related services provided to the student in accordance 49116
with the student's IEP. Any legal fees, court costs, or other 49117
costs associated with any cause of action relating to the 49118
student may not be included in the amount. 49119

Sec. 3326.35. The department of education and workforce 49120
shall adjust the amounts paid under section 3317.022 of the 49121
Revised Code to reflect any enrollment of students in science, 49122
technology, engineering, and mathematics schools for less than 49123
the equivalent of a full school year. 49124

Sec. 3326.36. The department of education and workforce 49125
shall reduce the amounts paid to a science, technology, 49126
engineering, and mathematics school or to the governing body of 49127
a group of science, technology, engineering, and mathematics 49128
schools under section 3317.022 of the Revised Code to reflect 49129
payments made to colleges under section 3365.07 of the Revised 49130
Code. A student shall be considered enrolled in the school for 49131
any portion of the school year the student is attending a 49132
college under Chapter 3365. of the Revised Code. 49133

Sec. 3326.37. The department of education and workforce 49134
shall not pay to a science, technology, engineering, and 49135
mathematics school or to the governing body of a group of 49136
science, technology, engineering, or mathematics schools any 49137
amount for any of the following: 49138

(A) Any student who has graduated from the twelfth grade 49139
of a public or nonpublic school; 49140

(B) Any student who is not a resident of the state; 49141

(C) Any student who was enrolled in a STEM school during 49142
the previous school year when assessments were administered 49143
under section 3301.0711 of the Revised Code but did not take one 49144
or more of the assessments required by that section and was not 49145
excused pursuant to division (C) (1) or (3) of that section, 49146
unless the ~~superintendent of public instruction~~ director of 49147
education and workforce grants the student a waiver from the 49148
requirement to take the assessment. The ~~superintendent~~ director 49149
may grant a waiver only for good cause in accordance with rules 49150
adopted by the ~~state board of education~~ department. 49151

(D) Any student who has attained the age of twenty-two 49152
years, except for veterans of the armed services whose 49153
attendance was interrupted before completing the recognized 49154
twelve-year course of the public schools by reason of induction 49155
or enlistment in the armed forces and who apply for enrollment 49156
in a STEM school not later than four years after termination of 49157
war or their honorable discharge. If, however, any such veteran 49158
elects to enroll in special courses organized for veterans for 49159
whom tuition is paid under federal law, or otherwise, the 49160
department shall not pay to the school or to the governing body 49161
any amount for that veteran. 49162

Sec. 3326.45. (A) The governing body of a science, 49163
technology, engineering, and mathematics school may contract 49164
with the governing board of an educational service center or the 49165
board of education of a joint vocational school district for the 49166
provision of services to the STEM school or to any student 49167
enrolled in the school. Services provided under the contract and 49168
the amount to be paid for those services shall be mutually 49169
agreed to by the parties to the contract, and shall be specified 49170

in the contract. 49171

(B) A contract entered into under this section may require 49172
an educational service center to provide any one or a 49173
combination of the following services to a STEM school: 49174

(1) Supervisory teachers; 49175

(2) In-service and continuing education programs for 49176
personnel of the STEM school; 49177

(3) Curriculum services as provided to the client school 49178
districts of the service center; 49179

(4) Research and development programs; 49180

(5) Academic instruction for which the service center 49181
governing board employs teachers; 49182

(6) Assistance in the provision of special accommodations 49183
and classes for students with disabilities. 49184

Services described in division (B) of this section shall 49185
be provided to the STEM school in the same manner they are 49186
provided to client school districts of the service center, 49187
unless otherwise specified in the contract. The contract shall 49188
specify whether the service center will receive a per-pupil 49189
payment from the department of education and workforce for the 49190
provision of these services and, if so, the amount of the per- 49191
pupil payment. 49192

(C) For each contract entered into under this section, the 49193
department shall deduct the amount owed by the STEM school from 49194
the state funds due to the STEM school under this chapter and 49195
shall pay that amount to the educational service center or joint 49196
vocational school district that is party to the contract. 49197

(D) No contract entered into under this section shall be 49198
valid unless a copy is filed with the department by the first 49199
day of the school year for which the contract is in effect. 49200

(E) As used in this section, "client school district" 49201
means a city, exempted village, or local school district that 49202
has entered into an agreement under section 3313.843 or 3313.845 49203
of the Revised Code to receive any services from an educational 49204
service center. 49205

Sec. 3326.51. (A) As used in this section: 49206

(1) "Resident district" has the same meaning as in section 49207
3326.31 of the Revised Code. 49208

(2) "STEM school sponsoring district" means a municipal, 49209
city, local, or exempted village school district that governs 49210
and controls a STEM school pursuant to this section. 49211

(B) Notwithstanding any other provision of this chapter to 49212
the contrary: 49213

(1) If a proposal for a STEM school submitted under 49214
section 3326.03 of the Revised Code proposes that the governing 49215
body of the school be the board of education of a municipal, 49216
city, local, or exempted village school district that is one of 49217
the partners submitting the proposal, and the STEM committee 49218
approves that proposal, that school district board shall govern 49219
and control the STEM school as one of the schools of its 49220
district. 49221

(2) The STEM school sponsoring district shall maintain a 49222
separate accounting for the STEM school as a separate and 49223
distinct operational unit within the district's finances. The 49224
auditor of state, in the course of an annual or biennial audit 49225
of the school district serving as the STEM school sponsoring 49226

district, shall audit that school district for compliance with 49227
the financing requirements of this section. 49228

(3) With respect to students enrolled in a STEM school 49229
whose resident district is the STEM school sponsoring district: 49230

(a) The department of education and workforce shall make 49231
payments to the school in accordance with section 3317.022 of 49232
the Revised Code from the STEM school sponsoring district's 49233
state payments. 49234

(b) The STEM school sponsoring district is responsible for 49235
providing children with disabilities with a free appropriate 49236
public education under Chapter 3323. of the Revised Code. 49237

(c) The STEM school sponsoring district shall provide 49238
student transportation in accordance with laws and policies 49239
generally applicable to the district. 49240

(4) With respect to students enrolled in the STEM school 49241
whose resident district is another school district, the 49242
department shall consider the students as open enrollment 49243
students and shall make payments to the school in accordance 49244
with section 3317.022 of the Revised Code. 49245

(5) A STEM school sponsoring district and its board may 49246
assign its district employees to the STEM school, in which case 49247
section 3326.18 of the Revised Code shall not apply. The 49248
district and board may apply any other resources of the district 49249
to the STEM school in the same manner that it applies district 49250
resources to other district schools. 49251

(6) Provisions of this chapter requiring a STEM school and 49252
its governing body to comply with specified laws as if it were a 49253
school district and in the same manner as a board of education 49254
shall instead require such compliance by the STEM school 49255

sponsoring district and its board of education, respectively, 49256
with respect to the STEM school. Where a STEM school or its 49257
governing body is required to perform a specific duty or 49258
permitted to take a specific action under this chapter, that 49259
duty is required to be performed or that action is permitted to 49260
be taken by the STEM school sponsoring district or its board of 49261
education, respectively, with respect to the STEM school. 49262

(7) No provision of this chapter limits the authority, as 49263
provided otherwise by law, of a school district and its board of 49264
education to levy taxes and issue bonds secured by tax revenues. 49265

(8) The treasurer of the STEM school sponsoring district 49266
or, if the STEM school sponsoring district is a municipal school 49267
district, the chief financial officer of the district, shall 49268
have all of the respective rights, authority, exemptions, and 49269
duties otherwise conferred upon the treasurer or chief financial 49270
officer by the Revised Code. 49271

Sec. 3326.60. (A) With the approval of its governing body, 49272
a STEM school established under this chapter may procure 49273
injectable or nasally administered glucagon in the manner 49274
prescribed by section 3313.7115 of the Revised Code. A STEM 49275
school that elects to do so shall comply with all provisions of 49276
that section as if it were a school district. 49277

(B) (1) The following are not liable in damages in a civil 49278
action for injury, death, or loss to person or property that 49279
allegedly arises from an act or omission associated with 49280
procuring, maintaining, accessing, or using injectable or 49281
nasally administered glucagon under this section, unless the act 49282
or omission constitutes willful or wanton misconduct: 49283

(a) A STEM school; 49284

(b) A member of a STEM school governing body;	49285
(c) A STEM school employee or contractor;	49286
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section.	49287 49288 49289 49290
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a STEM school or governing body, member of a STEM school governing body, STEM school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	49291 49292 49293 49294 49295 49296
(C) A STEM school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.	49297 49298 49299 49300 49301
(D) A STEM school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education <u>and workforce</u> each procurement and each occurrence in which a dose of the drug is used from the school's supply.	49302 49303 49304 49305 49306
Sec. 3327.01. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the Revised Code do not apply to any joint vocational or cooperative education school district.	49307 49308 49309 49310 49311
In all city, local, and exempted village school districts where resident school pupils in grades kindergarten through	49312 49313

eight live more than two miles from the school for which the 49314
~~state board director~~ of education and workforce prescribes 49315
minimum standards pursuant to division (D) of section 3301.07 of 49316
the Revised Code and to which they are assigned by the board of 49317
education of the district of residence or to and from the 49318
nonpublic or community school which they attend, the board of 49319
education shall provide transportation for such pupils to and 49320
from that school except as provided in section 3327.02 of the 49321
Revised Code. 49322

In all city, local, and exempted village school districts 49323
where pupil transportation is required under a career-technical 49324
plan approved by the ~~state board~~ department of education and 49325
workforce under section 3313.90 of the Revised Code, for any 49326
student attending a career-technical program operated by another 49327
school district, including a joint vocational school district, 49328
as prescribed under that section, the board of education of the 49329
student's district of residence shall provide transportation 49330
from the public high school operated by that district to which 49331
the student is assigned to the career-technical program. 49332

In all city, local, and exempted village school districts, 49333
the board may provide transportation for resident school pupils 49334
in grades nine through twelve to and from the high school to 49335
which they are assigned by the board of education of the 49336
district of residence or to and from the nonpublic or community 49337
high school which they attend for which the ~~state board director~~ 49338
of education and workforce prescribes minimum standards pursuant 49339
to division (D) of section 3301.07 of the Revised Code. 49340

A board of education shall not be required to transport 49341
elementary or high school pupils to and from a nonpublic or 49342
community school where such transportation would require more 49343

than thirty minutes of direct travel time as measured by school 49344
bus from the public school building to which the pupils would be 49345
assigned if attending the public school designated by the 49346
district of residence. 49347

Where it is impractical to transport a pupil by school 49348
conveyance, a board of education may offer payment, in lieu of 49349
providing such transportation in accordance with section 3327.02 49350
of the Revised Code. 49351

A board of education shall provide transportation to 49352
students enrolled in a community school or nonpublic school in 49353
accordance with this section on each day in which that school is 49354
open for operation with students in attendance, regardless of 49355
whether the district's own schools are open for operation with 49356
students in attendance on that day. However, a board of 49357
education shall not be required to transport elementary or high 49358
school pupils to and from a nonpublic or community school on 49359
Saturday or Sunday, unless a board of education and a nonpublic 49360
or community school have an agreement in place to do so before 49361
the first day of July of the school year in which the agreement 49362
takes effect. 49363

In all city, local, and exempted village school districts, 49364
the board shall provide transportation for all children who are 49365
so disabled that they are unable to walk to and from the school 49366
for which the ~~state board~~ director of education and workforce 49367
prescribes minimum standards pursuant to division (D) of section 49368
3301.07 of the Revised Code and which they attend. In case of 49369
dispute whether the child is able to walk to and from the 49370
school, the health commissioner shall be the judge of such 49371
ability. In all city, exempted village, and local school 49372
districts, the board shall provide transportation to and from 49373

school or special education classes for mentally disabled 49374
children in accordance with standards adopted by the ~~state board~~ 49375
department of education and workforce. 49376

When transportation of pupils is provided the conveyance 49377
shall be run on a time schedule that shall be adopted and put in 49378
force by the board not later than ten days after the beginning 49379
of the school term. The operator of every school bus or motor 49380
van owned and operated by any school district or educational 49381
service center or privately owned and operated under contract 49382
with any school district or service center in this state shall 49383
deliver students enrolled in preschool through twelfth grades to 49384
their respective public and nonpublic schools not sooner than 49385
thirty minutes prior to the beginning of school and to be 49386
available to pick them up not later than thirty minutes after 49387
the close of their respective schools each day. 49388

The cost of any transportation service authorized by this 49389
section shall be paid first out of federal funds, if any, 49390
available for the purpose of pupil transportation, and secondly 49391
out of state appropriations, in accordance with regulations 49392
adopted by the ~~state board of education~~department. 49393

No transportation of any pupils shall be provided by any 49394
board of education to or from any school which in the selection 49395
of pupils, faculty members, or employees, practices 49396
discrimination against any person on the grounds of race, color, 49397
religion, or national origin. 49398

Sec. 3327.011. In determining how best to provide 49399
transportation, where persons or firms on or after April 1, 49400
1965, were providing transportation to and from schools pursuant 49401
to contracts with persons or agencies responsible for the 49402
operation of such schools, the board of education responsible 49403

for transportation in accordance with section 3327.01 of the Revised Code shall give preference if economically feasible during the term of any such contract to the firm or person providing such transportation. The boards of education within the county or group of counties shall establish transportation routes, schedules, and utilization of transportation equipment. The appeals from the determination of the board of education responsible for transportation shall be taken to the ~~state board~~ department of education and workforce.

Sec. 3327.012. Payments to school districts for transportation of school pupils shall be made on a current basis according to an estimate which shall be filed with the ~~state board~~ department of education and workforce by respective school districts in accordance with rules which the ~~state board of education department~~ shall promulgate. The sum due the respective school district as calculated from approved cost in accordance with the rules of the board of education shall be adjusted annually in the quarter next following the end of the school year. The ~~superintendent of public instruction, subject to the approval of the state board of education, department~~ may contract with any firm, person, or board of education to provide pupil transportation services authorized by this section. In no event shall the payment for such contract service exceed the average transportation cost per pupil, such average cost to be based on the cost of transportation of children by all boards of education in Ohio during the next preceding year.

Sec. 3327.018. The board of education of each city, local, or exempted village school district that owns and operates buses for transporting students may contract, in writing, with a public or private not-for-profit agency, group, or organization, with a municipal corporation or other political subdivision or

agency of the state, or with an agency of the federal government 49435
to operate its buses to assist the agency, group, organization, 49436
or political subdivision in the fulfillment of its legitimate 49437
activities and in times of emergency. These contracts shall be 49438
entered into under the authority of the school district as a 49439
political subdivision and shall not be considered commerce. When 49440
buses are made available to other agencies, groups, 49441
organizations, or political subdivisions under this section, the 49442
buses must be operated by individuals holding certificates 49443
issued by either the educational service center governing board 49444
that has entered into an agreement with the school district 49445
under section 3313.843 or 3313.845 of the Revised Code or the 49446
superintendent of the school district certifying that the 49447
individuals satisfy the requirements of section 3327.10 of the 49448
Revised Code. All ~~state board~~ department of education and 49449
workforce regulations governing the operation of school buses 49450
when transporting students shall apply when buses are used in 49451
accordance with this section. 49452

Any board of education of a city, local, or exempted 49453
village school district that makes one or more of its vehicles 49454
available under this section shall procure liability and 49455
property damage insurance, as provided in section 3327.09 of the 49456
Revised Code, covering all vehicles used and passengers 49457
transported under this section. The board of education may 49458
recover expenses from contracting entities, not to exceed the 49459
costs of operation and insurance coverage. 49460

Sec. 3327.02. (A) After considering each of the following 49461
factors, the board of education of a city, exempted village, or 49462
local school district, or a community school governing authority 49463
providing transportation pursuant to section 3314.091 of the 49464
Revised Code, may determine that it is impractical to transport 49465

a pupil who is eligible for transportation to and from a school	49466
under section 3327.01 of the Revised Code:	49467
(1) The time and distance required to provide the	49468
transportation;	49469
(2) The number of pupils to be transported;	49470
(3) The cost of providing transportation in terms of	49471
equipment, maintenance, personnel, and administration;	49472
(4) Whether similar or equivalent service is provided to	49473
other pupils eligible for transportation;	49474
(5) Whether and to what extent the additional service	49475
unavoidably disrupts current transportation schedules;	49476
(6) Whether other reimbursable types of transportation are	49477
available.	49478
(B) Based on its consideration of the factors established	49479
in division (A) of this section, the board or governing	49480
authority may pass a resolution declaring the impracticality of	49481
transportation. The resolution shall include each pupil's name	49482
and the reason for impracticality. Such determination shall be	49483
made not later than thirty calendar days prior to the district's	49484
or school's first day of instruction, or in the case of a	49485
student who enrolls within thirty calendar days prior to the	49486
first day of instruction or on or after the first day of	49487
instruction, not later than fourteen calendar days after the	49488
student's enrollment. The determination may be made by the	49489
superintendent and formalized at the next following meeting of	49490
the board or governing authority.	49491
The board or governing authority shall report its	49492
determination to the state board <u>department of education and</u>	49493

workforce in a manner determined by the ~~state board~~ department. 49494

In addition, the board or governing authority shall issue 49495
a letter to the pupil's parent, guardian, or other person in 49496
charge of the pupil, the nonpublic or community school in which 49497
the pupil is enrolled, and to the ~~state board~~ department with a 49498
detailed description of the reasons for which such determination 49499
was made. 49500

(C) After passing the resolution declaring the 49501
impracticality of transportation, the district board or 49502
governing authority shall offer to provide payment in lieu of 49503
transportation by doing the following: 49504

(1) In accordance with guidelines established by the 49505
~~department of education~~, informing the pupil's parent, guardian, 49506
or other person in charge of the pupil of both of the following: 49507

(a) The resolution; 49508

(b) The right of the pupil's parent, guardian, or other 49509
person in charge of the pupil to accept the offer of payment in 49510
lieu of transportation or to reject the offer and instead 49511
request the department to initiate mediation procedures. 49512

(2) Issuing the pupil's parent, guardian, or other person 49513
in charge of the pupil a contract or other form on which the 49514
parent, guardian, or other person in charge of the pupil is 49515
given the option to accept or reject the board's offer of 49516
payment in lieu of transportation. 49517

(D) If the parent, guardian, or other person in charge of 49518
the pupil accepts the offer of payment in lieu of providing 49519
transportation, the board or governing authority shall pay the 49520
parent, guardian, or other person in charge of the pupil an 49521
amount that shall be not less than fifty per cent, and not more 49522

than the amount determined by the department ~~of education~~ as the 49523
average cost of pupil transportation for the previous school 49524
year. Payment may be prorated if the time period involved is 49525
only a part of the school year. 49526

(E) (1) (a) Upon the request of a parent, guardian, or other 49527
person in charge of the pupil who rejected the payment in lieu 49528
of transportation, the department shall conduct mediation 49529
procedures. A parent, guardian, or other person in charge of the 49530
pupil may authorize the nonpublic or community school in which 49531
the pupil is enrolled to act on the parent's, guardian's, or 49532
other person's behalf during the mediation proceedings. 49533

(b) If the mediation does not resolve the dispute, the 49534
~~state board department~~ shall conduct a hearing in accordance 49535
with Chapter 119. of the Revised Code. The ~~state board~~ 49536
~~department~~ may approve the payment in lieu of transportation or 49537
may order the district board of education or governing authority 49538
to provide transportation. The decision of the ~~state board~~ 49539
~~department~~ is binding in subsequent years and on future parties 49540
in interest provided the facts of the determination remain 49541
comparable. 49542

(2) The school district or governing authority shall 49543
provide transportation for the pupil from the time the parent, 49544
guardian, or other person in charge of the pupil requests 49545
mediation until the matter is resolved under division (E) (1) (a) 49546
or (b) of this section. 49547

(F) (1) If the department determines that a school district 49548
board or governing authority has failed or is failing to provide 49549
transportation as required by division (E) (2) of this section or 49550
as ordered by the ~~state board department~~ under division (E) (1) 49551
(b) of this section, the department shall order the school 49552

district board or governing authority to pay to the pupil's 49553
parent, guardian, or other person in charge of the pupil, an 49554
amount equal to fifty per cent of the cost of providing 49555
transportation as determined by the board or governing authority 49556
under division (A) (3) of this section, and not more than two 49557
thousand five hundred dollars. The school district board or 49558
governing authority shall make payments on a schedule ordered by 49559
the department. 49560

(2) If the department subsequently finds that a school 49561
district board is not in compliance with an order issued under 49562
division (F) (1) of this section and the affected pupils are 49563
enrolled in a nonpublic or community school, the department 49564
shall deduct the amount that the board is required to pay under 49565
that order from any pupil transportation payments the department 49566
makes to the school district board under section 3317.0212 of 49567
the Revised Code or other provisions of law. The department 49568
shall use the moneys so deducted to make payments to the 49569
nonpublic or community school attended by the pupil. The 49570
department shall continue to make the deductions and payments 49571
required under this division until the school district board 49572
either complies with the department's order issued under 49573
division (F) (1) of this section or begins providing 49574
transportation. 49575

(G) A nonpublic or community school that receives payments 49576
from the department under division (F) (2) of this section shall 49577
do either of the following: 49578

(1) Disburse the entire amount of the payments to the 49579
parent, guardian, or other person in charge of the pupil 49580
affected by the failure of the school district of residence to 49581
provide transportation; 49582

(2) Use the entire amount of the payments to provide 49583
acceptable transportation for the affected pupil. 49584

(H) At any time after a parent, guardian, or other person 49585
in charge of a pupil requests transportation for a pupil, that 49586
parent, guardian, or other person may authorize the nonpublic or 49587
community school in which the pupil is enrolled to act on the 49588
parent's, guardian's, or other person's behalf for purposes of 49589
this section. 49590

Sec. 3327.021. The department of education and workforce 49591
shall monitor each city, local, or exempted village school 49592
district's compliance with sections 3327.01 and 3327.016 and 49593
division (B) of section 3327.017 of the Revised Code. If the 49594
department determines a consistent or prolonged period of 49595
noncompliance on the part of the school district to provide 49596
transportation as required under those sections, the department 49597
shall deduct from the district's payment for student 49598
transportation under Chapter 3317. of the Revised Code the total 49599
daily amount of that payment, as computed by the department, for 49600
each day that the district is not in compliance. 49601

This section does not affect the authority of a school 49602
district to provide payment in lieu of transportation in 49603
accordance with section 3327.02 of the Revised Code. 49604

Sec. 3327.05. (A) Except as provided in division (B) of 49605
this section, no board of education of any school district shall 49606
provide transportation for any pupil who is a school resident of 49607
another school district unless the pupil is enrolled pursuant to 49608
section 3313.98 of the Revised Code or the board of the other 49609
district has given its written consent thereto. If the board of 49610
any school district files with the ~~state board~~ department of 49611
education and workforce a written complaint that transportation 49612

for resident pupils is being provided by the board of another 49613
school district contrary to this division, the ~~state board of~~ 49614
~~education department~~ shall make an investigation of such 49615
complaint. If the ~~state board of education department~~ finds that 49616
transportation is being provided contrary to this section, it 49617
may withdraw from state funds due the offending district any 49618
part of the amount that has been approved for transportation 49619
pursuant to section 3317.0212 of the Revised Code or other 49620
provisions of law. 49621

(B) Notwithstanding division (D) of section 3311.19 and 49622
division (D) of section 3311.52 of the Revised Code, this 49623
division does not apply to any joint vocational or cooperative 49624
education school district. 49625

A board of education may provide transportation to and 49626
from the nonpublic school of attendance if both of the following 49627
apply: 49628

(1) The parent, guardian, or other person in charge of the 49629
pupil agrees to pay the board for all costs incurred in 49630
providing the transportation that are not reimbursed pursuant to 49631
Chapter 3317. of the Revised Code; 49632

(2) The pupil's school district of residence does not 49633
provide transportation for public school pupils of the same 49634
grade as the pupil being transported under this division, or 49635
that district is not required under section 3327.01 of the 49636
Revised Code to transport the pupil to and from the nonpublic 49637
school because the direct travel time to the nonpublic school is 49638
more than thirty minutes. 49639

Upon receipt of the request to provide transportation, the 49640
board shall review the request and determine whether the board 49641

will accommodate the request. If the board agrees to transport 49642
the pupil, the board may transport the pupil to and from the 49643
nonpublic school and a collection point in the district, as 49644
determined by the board. If the board transports the pupil, the 49645
board may include the pupil in the district's enrollment 49646
reported to the department ~~of education~~ for purposes of 49647
calculating the district's transportation ADM under section 49648
3317.03 of the Revised Code and, accordingly, may receive a 49649
state payment under section 3317.0212 of the Revised Code or 49650
other provisions of law for transporting the pupil. 49651

If the board declines to transport the pupil, the board, 49652
in a written communication to the parent, guardian, or other 49653
person in charge of the pupil, shall state the reasons for 49654
declining the request. 49655

Sec. 3327.08. Boards of education of city school 49656
districts, local school districts, exempted village school 49657
districts, cooperative education school districts, and joint 49658
vocational school districts and governing boards of educational 49659
service centers may purchase on individual contract school buses 49660
and other equipment used in transporting children to and from 49661
school and to other functions as authorized by the boards, or 49662
the boards, at their discretion, may purchase the buses and 49663
equipment through any system of centralized purchasing 49664
established by the ~~state~~ department of education and workforce 49665
for that purpose, provided that state subsidy payments shall be 49666
based on the amount of the lowest price available to the boards 49667
by either method of purchase. No board shall be deprived of any 49668
form of state assistance in the purchase of buses and equipment 49669
by reason of purchases of buses and equipment on an individual 49670
contract. 49671

The purchase of school buses shall be made only after 49672
competitive bidding in accordance with section 3313.46 of the 49673
Revised Code. All bids shall state that the buses, prior to 49674
delivery, will comply with the safety rules of the department of 49675
public safety adopted pursuant to section 4511.76 of the Revised 49676
Code and all other pertinent provisions of law. 49677

At no time shall bid bonds be required for the purchase of 49678
school buses, unless the district board or educational service 49679
center governing board requests that bid bonds be part of the 49680
competitive bidding process for a specified purchase. 49681

Sec. 3327.10. (A) No person shall be employed as driver of 49682
a school bus or motor van, owned and operated by any school 49683
district or educational service center or privately owned and 49684
operated under contract with any school district or service 49685
center in this state, who has not received a certificate from 49686
either the educational service center governing board that has 49687
entered into an agreement with the school district under section 49688
3313.843 or 3313.845 of the Revised Code or the superintendent 49689
of the school district, certifying that such person is at least 49690
eighteen years of age and is qualified physically and otherwise 49691
for such position. The service center governing board or the 49692
superintendent, as the case may be, shall provide for an annual 49693
physical examination that conforms with rules adopted by the 49694
~~state board~~ department of education and workforce of each driver 49695
to ascertain the driver's physical fitness for such employment. 49696
The examination shall be performed by one of the following: 49697

(1) A person licensed under Chapter 4731. or 4734. of the 49698
Revised Code or by another state to practice medicine and 49699
surgery, osteopathic medicine and surgery, or chiropractic; 49700

(2) A physician assistant; 49701

(3) A certified nurse practitioner;	49702
(4) A clinical nurse specialist;	49703
(5) A certified nurse-midwife;	49704
(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.	49705 49706 49707 49708
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D) (1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.	49709 49710 49711 49712 49713 49714 49715 49716
(B) No person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:	49717 49718 49719 49720 49721 49722 49723 49724 49725 49726
(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;	49727 49728 49729
(2) A physician assistant;	49730

(3) A certified nurse practitioner;	49731
(4) A clinical nurse specialist;	49732
(5) A certified nurse-midwife;	49733
(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.	49734 49735 49736 49737
Any written documentation of the physical examination shall be completed by the individual who performed the examination.	49738 49739 49740
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.	49741 49742 49743
(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.	49744 49745 49746 49747
(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:	49748 49749 49750 49751 49752 49753
(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and	49754 49755 49756 49757 49758

operated school bus or motor van under contract. 49759

(2) If employed under division (B) of this section, the 49760
person shall file the notice with the employing school 49761
administrator or contractor, or a person designated by the 49762
administrator or contractor. 49763

(E) In addition to resulting in possible revocation of a 49764
certificate as authorized by divisions (A) and (B) of this 49765
section, violation of division (D) of this section is a minor 49766
misdemeanor. 49767

(F) (1) Not later than thirty days after June 30, 2007, 49768
each owner of a school bus or motor van shall obtain the 49769
complete driving record for each person who is currently 49770
employed or otherwise authorized to drive the school bus or 49771
motor van. An owner of a school bus or motor van shall not 49772
permit a person to operate the school bus or motor van for the 49773
first time before the owner has obtained the person's complete 49774
driving record. Thereafter, the owner of a school bus or motor 49775
van shall obtain the person's driving record not less frequently 49776
than semiannually if the person remains employed or otherwise 49777
authorized to drive the school bus or motor van. An owner of a 49778
school bus or motor van shall not permit a person to resume 49779
operating a school bus or motor van, after an interruption of 49780
one year or longer, before the owner has obtained the person's 49781
complete driving record. 49782

(2) The owner of a school bus or motor van shall not 49783
permit a person to operate the school bus or motor van for ten 49784
years after the date on which the person pleads guilty to or is 49785
convicted of a violation of section 4511.19 of the Revised Code 49786
or a substantially equivalent municipal ordinance. 49787

(3) An owner of a school bus or motor van shall not permit 49788
any person to operate such a vehicle unless the person meets all 49789
other requirements contained in rules adopted by the ~~state board~~ 49790
~~of education~~ department prescribing qualifications of drivers of 49791
school buses and other student transportation. 49792

(G) No superintendent of a school district, educational 49793
service center, community school, or public or private employer 49794
shall permit the operation of a vehicle used for pupil 49795
transportation within this state by an individual unless both of 49796
the following apply: 49797

(1) Information pertaining to that driver has been 49798
submitted to the ~~department of education~~, pursuant to procedures 49799
adopted by that department. Information to be reported shall 49800
include the name of the employer or school district, name of the 49801
driver, driver license number, date of birth, date of hire, 49802
status of physical evaluation, and status of training. 49803

(2) The most recent criminal records check required by 49804
division (J) of this section has been completed and received by 49805
the superintendent or public or private employer. 49806

(H) A person, school district, educational service center, 49807
community school, nonpublic school, or other public or nonpublic 49808
entity that owns a school bus or motor van, or that contracts 49809
with another entity to operate a school bus or motor van, may 49810
impose more stringent restrictions on drivers than those 49811
prescribed in this section, in any other section of the Revised 49812
Code, and in rules adopted by the ~~state board~~ department. 49813

(I) For qualified drivers who, on July 1, 2007, are 49814
employed by the owner of a school bus or motor van to drive the 49815
school bus or motor van, any instance in which the driver was 49816

convicted of or pleaded guilty to a violation of section 4511.19 49817
of the Revised Code or a substantially equivalent municipal 49818
ordinance prior to two years prior to July 1, 2007, shall not be 49819
considered a disqualifying event with respect to division (F) of 49820
this section. 49821

(J) (1) This division applies to persons hired by a school 49822
district, educational service center, community school, 49823
chartered nonpublic school, or science, technology, engineering, 49824
and mathematics school established under Chapter 3326. of the 49825
Revised Code to operate a vehicle used for pupil transportation. 49826

For each person to whom this division applies who is hired 49827
on or after November 14, 2007, the employer shall request a 49828
criminal records check in accordance with section 3319.39 of the 49829
Revised Code and every six years thereafter. For each person to 49830
whom this division applies who is hired prior to that date, the 49831
employer shall request a criminal records check by a date 49832
prescribed by the department ~~of education~~ and every six years 49833
thereafter. 49834

(2) This division applies to persons hired by a public or 49835
private employer not described in division (J) (1) of this 49836
section to operate a vehicle used for pupil transportation. 49837

For each person to whom this division applies who is hired 49838
on or after November 14, 2007, the employer shall request a 49839
criminal records check prior to the person's hiring and every 49840
six years thereafter. For each person to whom this division 49841
applies who is hired prior to that date, the employer shall 49842
request a criminal records check by a date prescribed by the 49843
department and every six years thereafter. 49844

(3) Each request for a criminal records check under 49845

division (J) of this section shall be made to the superintendent 49846
of the bureau of criminal identification and investigation in 49847
the manner prescribed in section 3319.39 of the Revised Code, 49848
except that if both of the following conditions apply to the 49849
person subject to the records check, the employer shall request 49850
the superintendent only to obtain any criminal records that the 49851
federal bureau of investigation has on the person: 49852

(a) The employer previously requested the superintendent 49853
to determine whether the bureau of criminal identification and 49854
investigation has any information, gathered pursuant to division 49855
(A) of section 109.57 of the Revised Code, on the person in 49856
conjunction with a criminal records check requested under 49857
section 3319.39 of the Revised Code or under division (J) of 49858
this section. 49859

(b) The person presents proof that the person has been a 49860
resident of this state for the five-year period immediately 49861
prior to the date upon which the person becomes subject to a 49862
criminal records check under this section. 49863

Upon receipt of a request, the superintendent shall 49864
conduct the criminal records check in accordance with section 49865
109.572 of the Revised Code as if the request had been made 49866
under section 3319.39 of the Revised Code. However, as specified 49867
in division (B) (2) of section 109.572 of the Revised Code, if 49868
the employer requests the superintendent only to obtain any 49869
criminal records that the federal bureau of investigation has on 49870
the person for whom the request is made, the superintendent 49871
shall not conduct the review prescribed by division (B) (1) of 49872
that section. 49873

(K) (1) Until the effective date of the amendments to rule 49874
3301-83-23 of the Ohio Administrative Code required by the 49875

second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

(2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense that, under the rule, disqualifies a person for employment to operate a vehicle used for pupil transportation shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed by the rule.

Sec. 3327.101. Notwithstanding anything to the contrary in this chapter or Chapter 3301-83 of the Administrative Code, the department of education and workforce shall develop an online bus driver training program to satisfy the classroom portion of pre-service and annual in-service training for school bus driver certification. On-the-bus training for drivers shall continue to be completed in person.

Sec. 3327.13. The board of education of a school district that owns and operates busses for transporting pupils to and from school may contract with a nonpublic school located within the district to make available to the nonpublic school under a

lease agreement, one or more of the district's busses to be used 49906
by the nonpublic school for transporting nonpublic school pupils 49907
to and from a school related activity that would be an approved 49908
school related activity if it were being offered by a public 49909
school within the district to public school pupils. All ~~state-~~ 49910
~~board department of education and workforce~~ regulations 49911
governing the use of such busses by public schools while 49912
transporting pupils to and from school related activities shall 49913
be applicable to their use by the nonpublic school. 49914

The cost to the nonpublic school of leasing such busses 49915
shall not exceed the costs of operating such busses, as 49916
determined by the board of education of the school district. The 49917
charge to be made to the nonpublic school for the use of the 49918
busses shall be specified in the contract entered into pursuant 49919
to this section. 49920

Sec. 3327.14. The board of education of any school 49921
district that owns and operates buses for transporting pupils 49922
may contract under a lease agreement with a municipal 49923
corporation or a public or nonprofit private agency or 49924
organization delivering services to the aged, to make available 49925
one or more of the district's buses or other vehicles to be used 49926
for transporting persons sixty years of age or older. The board 49927
of education of any school district may also contract under a 49928
similar agreement with any group, organization or other entity 49929
engaged in adult education activities. 49930

The cost to the lessee of leasing such buses or other 49931
vehicles shall not exceed the costs of operating such buses or 49932
other vehicles as determined by the board of education of the 49933
school district. The charge to the lessee for the use of the 49934
buses or other vehicles, which may include the cost of providing 49935

an operator holding a certificate pursuant to section 3327.10 of 49936
the Revised Code, insurance coverage, and other direct and 49937
indirect costs to the school district shall be specified in the 49938
contract entered into pursuant to this section. 49939

All ~~state board~~ department of education and workforce 49940
regulations governing the use of such buses or other vehicles by 49941
public schools while transporting pupils to and from school 49942
related activities apply to the extent applicable to their use 49943
under this section. 49944

Any board of education making available one or more of its 49945
buses or other vehicles under this section shall procure 49946
liability and property damage insurance, as provided in section 49947
3327.09 of the Revised Code, covering each bus or vehicle used 49948
and each passenger transported under the leasing agreement. 49949

Sec. 3327.16. Notwithstanding division (D) of section 49950
3311.19 and division (D) of section 3311.52 of the Revised Code, 49951
this section does not apply to any joint vocational or 49952
cooperative education school district or its superintendent. 49953

(A) The superintendent of each school district may 49954
establish a volunteer bus rider assistance program, under which 49955
qualified adults or responsible older pupils, as determined by 49956
the superintendent, may be authorized to ride on school buses 49957
with pupils during such periods of time that the buses are being 49958
used to transport pupils to and from schools. Volunteers shall 49959
not be compensated for their services, but older pupils may be 49960
excused early from school to participate in the program. 49961

Volunteers may be assigned duties or responsibilities by 49962
the superintendent, including but not limited to, assisting 49963
younger pupils in embarking and disembarking from buses and in 49964

crossing streets where necessary to ensure the safety of the 49965
pupil, aiding the driver of the bus to maintain order on buses, 49966
assisting pupils with disabilities, and such other activities as 49967
the superintendent determines will aid in the safe and efficient 49968
transportation of pupils. 49969

Volunteers serving under this section are not employees 49970
for purposes of Chapter 4117. or 4123. of the Revised Code. 49971
Nothing in this section shall authorize a board of education to 49972
adversely affect the employment of any employee of the board. 49973

(B) The board of education of each city, local, or 49974
exempted village school district shall present a program to all 49975
pupils in kindergarten through third grade who are offered 49976
school bus transportation and who have not previously attended 49977
such program. The program shall consist of instruction in bus 49978
rider behavior, school bus safety, and the potential problems 49979
and hazards associated with school bus ridership. The department 49980
of education and workforce shall prescribe the content and 49981
length of such program, which shall be presented within two 49982
weeks after the commencement of classes each school year. 49983

Sec. 3328.01. As used in this chapter: 49984

(A) "Board of trustees" means the board of trustees 49985
established for a college-preparatory boarding school in 49986
accordance with section 3328.15 of the Revised Code. 49987

(B) "Child with a disability," "IEP," and "school district 49988
of residence" have the same meanings as in section 3323.01 of 49989
the Revised Code. 49990

(C) "Eligible student" means a student who is entitled to 49991
attend school in a participating school district; is at risk of 49992
academic failure; is from a family whose income is below two 49993

hundred per cent of the federal poverty guidelines, as defined	49994
in section 5101.46 of the Revised Code; meets any additional	49995
criteria prescribed by agreement between the state board	49996
<u>department of education and workforce</u> and the operator of the	49997
college-preparatory boarding school in which the student seeks	49998
enrollment; and meets at least two of the following additional	49999
conditions:	50000
(1) The student has a record of in-school disciplinary	50001
actions, suspensions, expulsions, or truancy.	50002
(2) The student has not attained at least a proficient	50003
score on the state achievement assessments in English language	50004
arts, reading, or mathematics prescribed under section 3301.0710	50005
of the Revised Code, after those assessments have been	50006
administered to the student at least once, or the student has	50007
not attained at least a score designated by the board of	50008
trustees of the college-preparatory boarding school in which the	50009
student seeks enrollment under this chapter on an end-of-course	50010
examination in English language arts or mathematics prescribed	50011
under section 3301.0712 of the Revised Code.	50012
(3) The student is a child with a disability.	50013
(4) The student has been referred for academic	50014
intervention services.	50015
(5) The student's head of household is a single parent. As	50016
used in this division and in division (C)(6) of this section,	50017
"head of household" means a person who occupies the same	50018
household as the student and who is financially responsible for	50019
the student.	50020
(6) The student's head of household is not the student's	50021
custodial parent.	50022

(7) A member of the student's family has been imprisoned,	50023
as defined in section 1.05 of the Revised Code.	50024
(D) "Entitled to attend school" means entitled to attend	50025
school in a school district under section 3313.64 or 3313.65 of	50026
the Revised Code.	50027
(E) "Formula ADM," "category one through six special	50028
education ADM," and "state education aid" have the same meanings	50029
as in section 3317.02 of the Revised Code.	50030
(F) "Operator" means the operator of a college-preparatory	50031
boarding school selected under section 3328.11 of the Revised	50032
Code.	50033
(G) "Participating school district" means either of the	50034
following:	50035
(1) The school district in which a college-preparatory	50036
boarding school established under this chapter is located;	50037
(2) A school district other than one described in division	50038
(G) (1) of this section that, pursuant to procedures adopted by	50039
the state board of education department under section 3328.04 of	50040
the Revised Code, agrees to be a participating school district	50041
so that eligible students entitled to attend school in that	50042
district may enroll in a college-preparatory boarding school	50043
established under this chapter.	50044
Sec. 3328.02. (A) Each college-preparatory boarding school	50045
established under this chapter is a public school and is part of	50046
the state's program of education.	50047
(B) Acting through its board of trustees, the school may	50048
sue and be sued, acquire facilities as needed, contract for any	50049
services necessary for the operation of the school, and enter	50050

into contracts with the department of education and workforce 50051
pursuant to this chapter. The board of trustees may carry out 50052
any act and ensure the performance of any function that is in 50053
compliance with the Ohio Constitution, this chapter, other 50054
statutes applicable to college-preparatory boarding schools, and 50055
the contract entered into under this chapter establishing the 50056
school. 50057

(C) Each college-preparatory boarding school shall be 50058
established as a public benefit corporation under Chapter 1702. 50059
of the Revised Code. 50060

Sec. 3328.04. The city, exempted village, or local school 50061
district in which a college-preparatory boarding school 50062
established under this chapter is located is a participating 50063
school district under this chapter. Any other city, exempted 50064
village, or local school district may agree to be a 50065
participating school district. The ~~state board~~ department of 50066
education and workforce shall adopt procedures for districts to 50067
agree to be participating school districts. 50068

Sec. 3328.11. (A) In accordance with the procedures 50069
prescribed in division (B) of this section, the ~~state board~~ 50070
department of education and workforce shall select a private 50071
nonprofit corporation that meets the following qualifications to 50072
operate each college-preparatory boarding school established 50073
under this chapter: 50074

(1) The corporation has experience operating a school or 50075
program similar to the schools authorized under this chapter. 50076

(2) The school or program described in division (A) (1) of 50077
this section has demonstrated to the satisfaction of the ~~state~~ 50078
~~board~~ department success in improving the academic performance 50079

of students. 50080

(3) The corporation has demonstrated to the satisfaction 50081
of the ~~state board~~ department that the corporation has the 50082
capacity to secure private funds for the development of the 50083
school authorized under this chapter. 50084

(B) (1) Not later than sixty days after ~~the effective date~~ 50085
~~of this section~~ September 29, 2011, the ~~state board~~ department 50086
shall issue a request for proposals from private nonprofit 50087
corporations qualified to operate a college-preparatory boarding 50088
school established under this chapter. If the ~~state board~~ 50089
department subsequently determines that the establishment of one 50090
or more additional college-preparatory boarding schools is 50091
advisable, the ~~state board~~ department shall issue requests for 50092
proposals from private nonprofit corporations qualified to 50093
operate those additional schools. 50094

In all cases, the ~~state board~~ department shall select the 50095
school's operator from among the qualified responders within one 50096
hundred eighty days after the issuance of the request for 50097
proposals. If no qualified responder submits a proposal, the 50098
~~state board~~ department may issue another request for proposals. 50099

(2) Each proposal submitted to the ~~state board~~ department 50100
shall contain the following information: 50101

(a) The proposed location of the college-preparatory 50102
boarding school, which may differ from any location recommended 50103
by the ~~state board~~ department in the request for proposals; 50104

(b) A plan for offering grade six in the school's initial 50105
year of operation and a plan for increasing the grade levels 50106
offered by the school in subsequent years; 50107

(c) Any other information about the proposed educational 50108

program, facilities, or operations of the school considered 50109
necessary by the ~~state board~~ department. 50110

(C) No college-preparatory boarding school established 50111
under this chapter shall open for operation prior to the 2013- 50112
2014 school year. 50113

Sec. 3328.12. The ~~state board~~ department of education and 50114
workforce shall enter into a contract with the operator of each 50115
college-preparatory boarding school established under this 50116
chapter. The contract shall stipulate the following: 50117

(A) The school's board of trustees shall oversee the 50118
acquisition of a facility for the school. 50119

(B) The operator shall operate the school in accordance 50120
with the terms of the proposal accepted by the ~~state board~~ 50121
department under section 3328.11 of the Revised Code, including 50122
the plan for increasing the grade levels offered by the school. 50123

(C) The school shall comply with the provisions of this 50124
chapter. 50125

(D) The school shall comply with any other provisions of 50126
law specified in the contract and the rules adopted by the ~~state~~ 50127
~~board~~ department under section 3328.50 of the Revised Code. 50128

(E) The school shall comply with the bylaws adopted by the 50129
board of trustees under section 3328.13 of the Revised Code. 50130

(F) The school shall meet the academic goals and other 50131
performance standards specified in the contract. 50132

(G) The school shall have a fiscal officer who meets 50133
standards established for the purposes of this division by the- 50134
~~state board~~ department. 50135

(H) In accordance with procedures specified in the 50136
contract, the ~~department of education~~ shall monitor the 50137
operation, programs, and facilities of the school, including 50138
conducting on-site visits of the school. 50139

(I) The department may take actions, as specified in the 50140
contract, to resolve issues of noncompliance by the school of 50141
the provisions of this chapter, the contract, the bylaws adopted 50142
by the board of trustees, or rules adopted by the ~~state board~~ 50143
department. Such specified actions shall include procedures for 50144
notice of noncompliance and an appeal ~~to the state board of the~~ 50145
~~decisions of the department~~process. 50146

(J) The ~~state board~~ department or the operator may 50147
terminate the contract in accordance with the procedures 50148
specified in the contract, which shall include at least a 50149
requirement that the party seeking termination give prior notice 50150
of the intent to terminate the contract and a requirement that 50151
the party receiving such notice be granted an opportunity to 50152
redress any grievances cited in the notice prior to the 50153
termination. 50154

(K) If the school closes for any reason, the school's 50155
board of trustees shall execute the closing in the manner 50156
specified in the contract. 50157

Sec. 3328.13. The board of trustees of each college- 50158
preparatory boarding school established under this chapter shall 50159
adopt bylaws for the oversight and operation of the school that 50160
are consistent with the provisions of this chapter, the rules 50161
adopted under section 3328.50 of the Revised Code, and the 50162
contract between the operator and the ~~state board~~ department of 50163
education and workforce. The bylaws shall include procedures for 50164
the appointment of future members of the school's board of 50165

trustees upon expiration of the terms of the initial members, 50166
which procedures shall comply with section 3328.15 of the 50167
Revised Code. The bylaws also shall include standards for the 50168
admission of students to the school and their dismissal from the 50169
school. The bylaws shall be subject to the approval of the ~~state~~ 50170
~~board~~ department. 50171

Sec. 3328.15. (A) Each college-preparatory boarding school 50172
established under this chapter shall be governed by a board of 50173
trustees consisting of up to twenty-five members. Five of those 50174
members shall be appointed by the governor, with the advice and 50175
consent of the senate. The governor's appointments may be based 50176
on nonbinding recommendations made by the ~~superintendent of~~ 50177
~~public instruction~~ director of education and workforce. Of the 50178
remaining members, initial members shall be appointed by the 50179
school's operator and future members shall be appointed pursuant 50180
to the bylaws adopted under section 3328.13 of the Revised Code. 50181
The governor, operator, or any other person or entity who 50182
appoints a member of the board of trustees under this section or 50183
the bylaws adopted under section 3328.13 of the Revised Code may 50184
remove that member from the board at any time. 50185

(B) The terms of office of the initial members shall be as 50186
follows: 50187

(1) Two members appointed by the governor shall serve for 50188
an initial term of three years. 50189

(2) Two members appointed by the governor shall serve for 50190
an initial term of two years. 50191

(3) One member appointed by the governor shall serve for 50192
an initial term of one year. 50193

(4) One-third of the members appointed by the operator, 50194

rounded down to the nearest whole number, shall serve for an 50195
initial term of three years. 50196

(5) One-third of the members appointed by the operator, 50197
rounded down to the nearest whole number, shall serve for an 50198
initial term of two years. 50199

(6) One-third of the members appointed by the operator, 50200
rounded down to the nearest whole number, shall serve for an 50201
initial term of one year. 50202

(7) Any remaining members appointed by the operator shall 50203
serve for an initial term of one year. 50204

Thereafter the terms of office of all members shall be for 50205
three years. 50206

The beginning date and ending date of terms of office 50207
shall be as prescribed by the school's operator, unless modified 50208
in the bylaws adopted under section 3328.13 of the Revised Code. 50209

(C) Vacancies on the board shall be filled in the same 50210
manner as the initial appointments. A member appointed to an 50211
unexpired term shall serve for the remainder of that term and 50212
may be reappointed subject to division (D) of this section. 50213

(D) No member may serve for more than three consecutive 50214
three-year terms. 50215

(E) The officers of the board shall be selected by and 50216
from among the members of the board. 50217

(F) Compensation for the members of the board, if any, 50218
shall be as prescribed in the bylaws adopted under section 50219
3328.13 of the Revised Code. 50220

(G) It shall be construed that any contract entered into 50221

by the board of trustees or any officer or trustee of a college- 50222
preparatory boarding school, including, but not limited to, an 50223
agreement or contract required by section 3318.08, 3318.60, or 50224
3318.61 of the Revised Code, is entered into by such individuals 50225
in their official capacities as representatives of the college- 50226
preparatory boarding school. No officer, trustee, or member of 50227
the board of trustees of a college-preparatory boarding school 50228
incurs any personal liability by virtue of section 3318.08, 50229
3318.60, or 3318.61 of the Revised Code or the entering into any 50230
contract on behalf of the school. 50231

Sec. 3328.18. (A) As used in this section, "license" has 50232
the same meaning as in section 3319.31 of the Revised Code. 50233

(B) If a person who is employed by a college-preparatory 50234
boarding school established under this chapter or its operator 50235
is arrested, summoned, or indicted for an alleged violation of 50236
an offense listed in division (C) of section 3319.31 of the 50237
Revised Code, if the person holds a license, or an offense 50238
listed in division (B)(1) of section 3319.39 of the Revised 50239
Code, if the person does not hold a license, the chief 50240
administrator of the school in which that person works shall 50241
suspend that person from all duties that require the care, 50242
custody, or control of a child during the pendency of the 50243
criminal action against the person. If the person who is 50244
arrested, summoned, or indicted for an alleged violation of an 50245
offense listed in division (C) of section 3319.31 or division 50246
(B)(1) of section 3319.39 of the Revised Code is the chief 50247
administrator of the school, the board of trustees of the school 50248
shall suspend the chief administrator from all duties that 50249
require the care, custody, or control of a child. 50250

(C) When a person who holds a license is suspended in 50251

accordance with this section, the chief administrator or board 50252
that imposed the suspension promptly shall report the person's 50253
suspension to the department of education and workforce and to 50254
the state board of education. The report shall include the 50255
offense for which the person was arrested, summoned, or 50256
indicted. 50257

Sec. 3328.23. (A) A college-preparatory boarding school 50258
established under this chapter shall comply with Chapter 3323. 50259
of the Revised Code as if the school were a school district. For 50260
each child with a disability enrolled in the school for whom an 50261
IEP has been developed, the school shall verify in the manner 50262
prescribed by the department of education and workforce that the 50263
school is providing the services required under the child's IEP. 50264

(B) The school district in which a child with a disability 50265
enrolled in the college-preparatory boarding school is entitled 50266
to attend school and the child's school district of residence, 50267
if different, are not obligated to provide the student with a 50268
free appropriate public education under Chapter 3323. of the 50269
Revised Code for as long as the child is enrolled in the 50270
college-preparatory boarding school. 50271

Sec. 3328.26. (A) The department of education and 50272
workforce shall issue an annual report card for each college- 50273
preparatory boarding school established under this chapter that 50274
includes all information applicable to school buildings under 50275
section 3302.03 of the Revised Code. 50276

(B) For each student enrolled in the school, the 50277
department shall combine data regarding the academic performance 50278
of that student with comparable data from the school district in 50279
which the student is entitled to attend school for the purpose 50280
of calculating the performance of the district as a whole on the 50281

report card issued for the district under section 3302.03 of the Revised Code. 50282
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(C) Each college-preparatory boarding school and its operator shall comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the school. 50284
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Sec. 3328.29. (A) With the approval of its board of trustees, a college-preparatory boarding school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A college-preparatory boarding school that elects to do so shall comply with all provisions of that section as if it were a school district. 50289
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(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct: 50296
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(a) A college-preparatory boarding school; 50302

(b) A member of a college-preparatory boarding school board of trustees; 50303
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(c) A college-preparatory boarding school employee or contractor; 50305
50306

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section. 50307
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(2) This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, college-preparatory boarding school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(C) A college-preparatory boarding school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(D) A college-preparatory boarding school that elects to procure epinephrine autoinjectors under this section shall report to the department of education and workforce each procurement and occurrence in which an epinephrine autoinjector is used from a school's supply of epinephrine autoinjectors.

Sec. 3328.30. (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code.

(B) With the approval of its board of trustees, a college-preparatory boarding school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A college-preparatory boarding school that elects to do so shall comply with all provisions of that section as if it were a school district.

(C) A college-preparatory boarding school, a member of a college-preparatory boarding school board of trustees, or a college-preparatory boarding school employee or contractor is

not liable in damages in a civil action for injury, death, or 50340
loss to person or property that allegedly arises from an act or 50341
omission associated with procuring, maintaining, accessing, or 50342
using an inhaler under this section, unless the act or omission 50343
constitutes willful or wanton misconduct. 50344

This division does not eliminate, limit, or reduce any 50345
other immunity or defense that a college-preparatory boarding 50346
school or board of trustees, member of a college-preparatory 50347
boarding school board of trustees, or college-preparatory 50348
boarding school employee or contractor may be entitled to under 50349
Chapter 2744. or any other provision of the Revised Code or 50350
under the common law of this state. 50351

(D) A college-preparatory boarding school may accept 50352
donations of inhalers from a wholesale distributor of dangerous 50353
drugs or a manufacturer of dangerous drugs, as defined in 50354
section 4729.01 of the Revised Code, and may accept donations of 50355
money from any person to purchase inhalers. 50356

(E) A college-preparatory boarding school that elects to 50357
procure inhalers under this section shall report to the 50358
department of education and workforce each procurement and 50359
occurrence in which an inhaler is used from a school's supply of 50360
inhalers. 50361

Sec. 3328.31. Each college-preparatory boarding school 50362
established under this chapter shall report to the department of 50363
education and workforce, in the form and manner prescribed by 50364
the department, the following information: 50365

(A) The total number of students enrolled in the school; 50366

(B) The number of students enrolled in the school who are 50367
receiving special education and related services pursuant to an 50368

IEP; 50369

(C) The city, exempted village, or local school district 50370
in which each student reported under division (A) of this 50371
section is entitled to attend school; 50372

(D) Any additional information the department determines 50373
necessary to make payments to the school under this chapter. 50374

Sec. 3328.34. (A) For each child enrolled in a college- 50375
preparatory boarding school, as reported under section 3328.31 50376
of the Revised Code, the department of education and workforce 50377
shall pay to the school the sum of the amount eighty-five per 50378
cent of the operating expenditure per pupil of the city, local, 50379
or exempted village school district in which the child is 50380
entitled to attend school plus the per-pupil boarding amount 50381
specified in division (B) of this section. 50382

As used in this division, a district's "operating 50383
expenditure per pupil" is the total amount of state payments and 50384
other nonfederal revenue spent by the district for operating 50385
expenses during the previous fiscal year, divided by the 50386
district's enrolled ADM, as that term is defined in section 50387
3317.02 of the Revised Code, for the previous fiscal year. 50388

(B) For the first fiscal year in which a college- 50389
preparatory boarding school may be established under this 50390
chapter, the "per-pupil boarding amount" is twenty-five thousand 50391
dollars. For each fiscal year thereafter, that amount shall be 50392
adjusted by the rate of inflation, as measured by the consumer 50393
price index (all urban consumers, all items) prepared by the 50394
bureau of labor statistics of the United States department of 50395
labor, for the previous twelve-month period. 50396

(C) The ~~state board of education~~ department may accept 50397

funds from federal and state noneducation support services 50398
programs for the purpose of funding the per pupil boarding 50399
amount prescribed in division (B) of this section. 50400
Notwithstanding any other provision of the Revised Code, the 50401
~~state board department~~ shall coordinate and streamline any 50402
noneducation program requirements in order to eliminate 50403
redundant or conflicting requirements, licensing provisions, and 50404
oversight by government programs or agencies. The applicable 50405
regulatory entities shall, to the maximum extent possible, use 50406
reports and financial audits provided by the auditor of state 50407
and coordinated by the ~~department of education~~ to eliminate or 50408
reduce contract and administrative reviews. Regulatory entities 50409
other than the ~~state board department~~ may suggest reasonable 50410
additional items to be included in such reports and financial 50411
audits to meet any requirements of federal law. Reporting 50412
paperwork prepared for the ~~state board department~~ shall be 50413
shared with and accepted by other state and local entities to 50414
the maximum extent feasible. 50415

(D) (1) Notwithstanding division (A) of this section, if, 50416
in any fiscal year, a college-preparatory boarding school 50417
receives federal funds for the purpose of supporting the 50418
school's operations, the amount of those federal funds shall be 50419
deducted from the total per-pupil boarding amount for all 50420
enrolled students paid by the department to the school for that 50421
fiscal year, unless the school's board of trustees and the 50422
department determine otherwise in a written agreement. Any 50423
portion of the total per-pupil boarding amount for all enrolled 50424
students remaining after the deduction of the federal funds 50425
shall be paid by the department to the school from state funds 50426
appropriated to the department. 50427

(2) Notwithstanding division (A) of this section, if, in 50428

any fiscal year, the department receives federal funds for the 50429
purpose of supporting the operations of a college-preparatory 50430
boarding school, the department shall use those federal funds, 50431
not including any portion of those funds designated for 50432
administration, to pay the school the total per-pupil boarding 50433
amount for all enrolled students for that fiscal year. Any 50434
portion of the total per-pupil boarding amount for all enrolled 50435
students remaining after the use of the federal funds shall be 50436
paid by the department to the school from state funds 50437
appropriated to the department. 50438

(3) If any federal funds are used for the purpose 50439
prescribed in division (D)(1) or (2) of this section, the 50440
department shall comply with all requirements upon which the 50441
acceptance of the federal funds is conditioned, including any 50442
requirements set forth in the funding application submitted by 50443
the school or the department and, to the extent sufficient funds 50444
are appropriated by the general assembly, any requirements 50445
regarding maintenance of effort in expenditures. 50446

Sec. 3328.35. To the extent permitted by federal law, the 50447
department of education and workforce shall include college- 50448
preparatory boarding schools established under this chapter in 50449
its annual allocation of federal moneys under Title I of the 50450
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 50451
6301, et seq. The department may apply for any other federal 50452
moneys that may be used to support the operations of college- 50453
preparatory boarding schools established under this chapter. 50454

Sec. 3328.37. (A) If the auditor of state or a public 50455
accountant, under section 117.41 of the Revised Code, declares a 50456
college-preparatory boarding school established under this 50457
chapter to be unauditale, the auditor of state shall provide 50458

written notification of that declaration to the school and the 50459
department of education and workforce. The auditor of state also 50460
shall post the notification on the auditor of state's web site. 50461

(B) If the college-preparatory boarding school's current 50462
fiscal officer held that position during the period for which 50463
the school is unauditale, upon receipt of the notification 50464
under division (A) of this section, the board of trustees of the 50465
school shall suspend the fiscal officer until the auditor of 50466
state or a public accountant has completed an audit of the 50467
school, except that if the fiscal officer is employed by the 50468
school's operator, the operator shall suspend the fiscal officer 50469
for that period. Suspension of the fiscal officer may be with or 50470
without pay, as determined by the entity imposing the suspension 50471
based on the circumstances that prompted the auditor of state's 50472
declaration. The entity imposing the suspension shall appoint a 50473
person to assume the duties of the fiscal officer during the 50474
period of the suspension. If the appointee is not licensed as a 50475
treasurer under section 3301.074 of the Revised Code, the 50476
appointee shall be approved by the ~~superintendent of public~~ 50477
~~instruction~~ director of education and workforce before assuming 50478
the duties of the fiscal officer. The state board of education 50479
may take action under section 3319.31 of the Revised Code to 50480
suspend, revoke, or limit the license of a fiscal officer who 50481
has been suspended under this division. 50482

(C) Not later than forty-five days after receiving the 50483
notification under division (A) of this section, the board of 50484
trustees of the college-preparatory boarding school shall 50485
provide a written response to the auditor of state. The response 50486
shall include the following: 50487

(1) An overview of the process the board will use to 50488

review and understand the circumstances that led to the school 50489
becoming unauditable; 50490

(2) A plan for providing the auditor of state with the 50491
documentation necessary to complete an audit of the school and 50492
for ensuring that all financial documents are available in the 50493
future; 50494

(3) The actions the board will take to ensure that the 50495
plan described in division (C) (2) of this section is 50496
implemented. 50497

(D) If the college-preparatory boarding school fails to 50498
make reasonable efforts and continuing progress to bring its 50499
accounts, records, files, or reports into an auditable condition 50500
within ninety days after being declared unauditable, the auditor 50501
of state, in addition to requesting legal action under sections 50502
117.41 and 117.42 of the Revised Code, shall notify the school 50503
and the department of the school's failure. If the auditor of 50504
state or a public accountant subsequently is able to complete a 50505
financial audit of the school, the auditor of state shall notify 50506
the school and the department that the audit has been completed. 50507

(E) Notwithstanding any provision to the contrary in this 50508
chapter or in any other provision of law, upon notification by 50509
the auditor of state under division (D) of this section that the 50510
college-preparatory boarding school has failed to make 50511
reasonable efforts and continuing progress to bring its 50512
accounts, records, files, or reports into an auditable 50513
condition, the department shall immediately cease all payments 50514
to the school under this chapter and any other provision of law. 50515
Upon subsequent notification from the auditor of state under 50516
that division that the auditor of state or a public accountant 50517
was able to complete a financial audit of the school, the 50518

department shall release all funds withheld from the school 50519
under this section. 50520

Sec. 3328.38. (A) With the approval of its board of 50521
trustees, a college-preparatory boarding school established 50522
under this chapter may procure injectable or nasally 50523
administered glucagon in the manner prescribed by section 50524
3313.7115 of the Revised Code. A college-preparatory boarding 50525
school that elects to do so shall comply with all provisions of 50526
that section as if it were a school district. 50527

(B) (1) The following are not liable in damages in a civil 50528
action for injury, death, or loss to person or property that 50529
allegedly arises from an act or omission associated with 50530
procuring, maintaining, accessing, or using injectable or 50531
nasally administered glucagon under this section, unless the act 50532
or omission constitutes willful or wanton misconduct: 50533

(a) A college-preparatory boarding school; 50534

(b) A member of a college-preparatory boarding school 50535
board of trustees; 50536

(c) A college-preparatory boarding school employee or 50537
contractor; 50538

(d) A licensed health professional authorized to prescribe 50539
drugs who personally furnishes or prescribes injectable or 50540
nasally administered glucagon, provides a consultation, or 50541
issues a protocol pursuant to this section. 50542

(2) This division does not eliminate, limit, or reduce any 50543
other immunity or defense that a college-preparatory boarding 50544
school or board of trustees, member of a college-preparatory 50545
boarding school board of trustees, college-preparatory boarding 50546
school employee or contractor, or licensed health professional 50547

may be entitled to under Chapter 2744. or any other provision of 50548
the Revised Code or under the common law of this state. 50549

(C) A college-preparatory boarding school may accept 50550
donations of injectable or nasally administered glucagon from a 50551
wholesale distributor of dangerous drugs or a manufacturer of 50552
dangerous drugs, as defined in section 4729.01 of the Revised 50553
Code, and may accept donations of money from any person to 50554
purchase the drug. 50555

(D) A college-preparatory boarding school that elects to 50556
procure injectable or nasally administered glucagon under this 50557
section shall report to the department of education and 50558
workforce each procurement and each occurrence in which a dose 50559
of the drug is used from the school's supply. 50560

Sec. 3328.45. (A) If the ~~state board~~ department of 50561
education and workforce determines that a college-preparatory 50562
boarding school established under this chapter is not in 50563
compliance with any provision of this chapter or the terms of 50564
the contract entered into under section 3328.12 of the Revised 50565
Code, or that the school has failed to meet the academic goals 50566
or performance standards specified in that contract, the ~~state~~ 50567
~~board~~ department may initiate the termination procedures 50568
specified in the contract. No termination shall take effect 50569
prior to the end of a school year. Upon the effective date of a 50570
termination, the school shall close. 50571

(B) If a college-preparatory boarding school is required 50572
to close under division (A) of this section or closes for any 50573
other reason, the school's board of trustees shall execute the 50574
closing as provided in the contract under section 3328.12 of the 50575
Revised Code. 50576

Sec. 3328.50. The ~~state board~~ department of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary for the implementation of this chapter.

Sec. 3329.01. Any publisher of textbooks or electronic textbooks in the United States desiring to offer such textbooks or electronic textbooks for use by pupils in the public schools of Ohio, before such textbooks or electronic textbooks may be adopted and purchased by any school board, must, on or before the first day of January of each year, file ~~in the office of the superintendent of public instruction~~ with the department of education and workforce, a statement that the list wholesale price to school districts in Ohio will be no more than the lowest list wholesale price available to school districts in any other state.

No publisher of a textbook shall file a statement under this section unless the publisher complies with all of the following:

(A) At the same time as filing the statement, the publisher also files:

(1) For textbooks published before August 18, 2006, the wholesale price of an electronic file that contains the text of the textbook in rich text format, or another electronic format approved by the ~~superintendent of public instruction~~ department, for translating the text of the textbook into braille;

(2) For textbooks published on or after August 18, 2006, the wholesale price of an electronic file that contains the text of the textbook, and of all instructional materials the publisher offers with the textbook, in the national

instructional materials accessibility standard (NIMAS) code for 50606
translating the text of the entire textbook into NIMAS-approved 50607
formats, including braille, audio, digital text, or large print. 50608

(B) The list wholesale price filed for any specified 50609
number of electronic files described in divisions (A) (1) and (2) 50610
of this section for the textbook and instructional materials the 50611
publisher offers with the textbook does not exceed the list 50612
wholesale price for the same number of the printed version of 50613
the textbook and materials. 50614

(C) For textbooks published on or after August 18, 2006, 50615
the publisher sends one copy of the electronic file described in 50616
division (A) (2) of this section for the entire textbook and all 50617
instructional materials the publisher offers with the textbook 50618
in NIMAS code, at no cost, to the national instructional 50619
materials access center. 50620

As used in this section and in sections 3329.03 to 3329.10 50621
of the Revised Code, "electronic textbook" means computer 50622
software, interactive videodisc, magnetic media, optical media, 50623
computer courseware, on-line service, electronic medium, or 50624
other means of conveying information to the student or otherwise 50625
contributing to the learning process through electronic means. 50626

Sec. 3329.03. If a publisher who files a statement under 50627
section 3329.01 of the Revised Code, fails or refuses to furnish 50628
such textbooks or electronic textbooks adopted as provided in 50629
sections 3329.01 to 3329.10 of the Revised Code to any board of 50630
education upon the terms provided in such sections, such board 50631
at once must notify the ~~state board~~ department of education and 50632
workforce of such failure or refusal, and the ~~state board of~~ 50633
~~education department~~ at once shall cause an investigation of 50634
such charge to be made. If it is found to be true, the ~~state~~ 50635

~~board of education department~~ at once shall notify such 50636
publisher and each board in the state that such textbooks or 50637
electronic textbooks shall not thereafter be adopted and 50638
purchased by boards of education. Such publisher shall pay to 50639
the state five hundred dollars for each failure, to be recovered 50640
in the name of the state, in an action to be brought by the 50641
attorney general, in the court of common pleas of Franklin 50642
county, or in any other proper court or in any other place where 50643
service can be made. The amount, when collected, must be paid 50644
into the state treasury to the credit of the state general 50645
revenue fund. 50646

Sec. 3329.10. A superintendent, supervisor, principal, or 50647
teacher employed by any board of education shall not act as 50648
sales agent, either directly or indirectly, for any person, 50649
firm, or corporation that files school textbooks or electronic 50650
textbooks with the ~~superintendent of public~~ 50651
~~instruction~~department of education and workforce, or that sells 50652
school apparatus or equipment of any kind for use in the public 50653
schools. A violation of this section shall work a forfeiture of 50654
their licenses to teach in the public schools. 50655

Sec. 3331.01. (A) As used in this chapter: 50656

(1) "Superintendent" or "superintendent of schools" of a 50657
school district means the person employed as the superintendent 50658
or that person's designee. 50659

(2) "Chief administrative officer" means the chief 50660
administrative officer of a nonpublic or community school or 50661
that person's designee. 50662

(B) (1) Except as provided in division (B) (2) of this 50663
section, an age and schooling certificate may be issued only by 50664

the superintendent of the city, local, joint vocational, or 50665
exempted village school district in which the child in whose 50666
name such certificate is issued resides or by the chief 50667
administrative officer of the nonpublic or community school the 50668
child attends, and only upon satisfactory proof that the child 50669
to whom the certificate is issued is at least fourteen years of 50670
age. 50671

(2) A child who resides in this state shall apply for an 50672
age and schooling certificate to the superintendent of the 50673
school district in which the child resides, or to the chief 50674
administrative officer of the school that the child attends. 50675
Residents of other states who work in Ohio shall apply to the 50676
superintendent of the school district in which the place of 50677
employment is located, as a condition of employment or service. 50678

(C) Any such age and schooling certificate may be issued 50679
only upon satisfactory proof that the employment contemplated by 50680
the child is not prohibited by any law regulating the employment 50681
of such children. Section 4113.08 of the Revised Code does not 50682
apply to such employer in respect to such child while engaged in 50683
an employment legal for a child of the age stated therein. 50684

(D) Age and schooling certificate forms shall be approved 50685
by the ~~state board~~ department of education and workforce, 50686
including forms submitted electronically. Forms shall not 50687
display the social security number of the child. Except as 50688
otherwise provided in this section, every application for an age 50689
and schooling certificate must be signed in the presence of the 50690
officer issuing it by the child in whose name it is issued. 50691

(E) A child shall furnish the superintendent or chief 50692
administrative officer all information required by this chapter 50693
in support of the issuance of a certificate. 50694

(F) On and after September 1, 2002, each superintendent and chief administrative officer who issues an age and schooling certificate shall file electronically the certificate with the director of commerce in accordance with rules adopted by the director of administrative services pursuant to section 1306.21 of the Revised Code. On and after September 1, 2002, only electronically filed certificates are valid to satisfy the requirements of Chapter 4109. of the Revised Code.

Sec. 3331.02. (A) The superintendent of schools or the chief administrative officer, as appropriate pursuant to section 3331.01 of the Revised Code, shall not issue an age and schooling certificate until the superintendent or chief administrative officer has received, examined, approved, and filed the following papers duly executed:

(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, and for this purpose work performed by a minor, directly and exclusively for the benefit of such minor's parent, in the farm home or on the farm of such parent is legal employment, irrespective of any contract of employment, or the absence thereof, to permit the child to attend school as provided in section 3321.08 of the Revised Code, and give notice of the nonuse of an age and schooling certificate within five days from the date of the child's withdrawal or dismissal from the service of that person, partnership, or corporation, giving the reasons for such withdrawal or dismissal;

(2) The child's school record or notification. As used in this division, a "school record" means documents properly filled out and signed by the person in charge of the school which the child last attended, giving the recorded age of the child, the

child's address, standing in studies, rating in conduct, and 50725
attendance in days during the school year of the child's last 50726
attendance; "notification" means the information submitted to 50727
the superintendent by the parent of a child excused from 50728
attendance at school pursuant to ~~division (A) (2) of section~~ 50729
~~3321.04~~ 3321.042 of the Revised Code, as the notification is 50730
required by rules adopted by the department of education and 50731
workforce. 50732

(3) Evidence of the age of the child as follows: 50733

(a) A certified copy of an original birth record or a 50734
certification of birth, issued in accordance with Chapter 3705. 50735
of the Revised Code, or by an officer charged with the duty of 50736
recording births in another state or country, shall be 50737
conclusive evidence of the age of the child; 50738

(b) In the absence of such birth record or certification 50739
of birth, a passport, or duly attested transcript thereof, 50740
showing the date and place of birth of the child, filed with a 50741
register of passports at a port of entry of the United States; 50742
or an attested transcript of the certificate of birth or baptism 50743
or other religious record, showing the date and place of birth 50744
of the child, shall be conclusive evidence of the age of the 50745
child; 50746

(c) In case none of the above proofs of age can be 50747
produced, other documentary evidence, except the affidavit of 50748
the parent, guardian, or custodian, satisfactory to the 50749
superintendent or chief administrative officer may be accepted 50750
in lieu thereof; 50751

(d) In case no documentary proof of age can be procured, 50752
the superintendent or chief administrative officer may receive 50753

and file an application signed by the parent, guardian, or 50754
custodian of the child that a medical certificate be secured to 50755
establish the sufficiency of the age of the child, which 50756
application shall state the alleged age of the child, the place 50757
and date of birth, the child's present residence, and such 50758
further facts as may be of assistance in determining the age of 50759
the child, and shall certify that the person signing the 50760
application is unable to obtain any of the documentary proofs 50761
specified in divisions (A) (3) (a), (b), and (c) of this section; 50762
and if the superintendent or chief administrative officer is 50763
satisfied that a reasonable effort to procure such documentary 50764
proof has been without success such application shall be granted 50765
and the certificate of the school physician or if there be none, 50766
of a physician, a physician assistant, a clinical nurse 50767
specialist, or a certified nurse practitioner employed by the 50768
board of education, that said physician, physician assistant, 50769
clinical nurse specialist, or certified nurse practitioner is 50770
satisfied that the child is above the age required for an age 50771
and schooling certificate as stated in section 3331.01 of the 50772
Revised Code, shall be accepted as sufficient evidence of age⁺. 50773

(4) A certificate, including an athletic certificate of 50774
examination, from a physician licensed pursuant to Chapter 4731. 50775
of the Revised Code, a physician assistant, a clinical nurse 50776
specialist, or a certified nurse practitioner, or from the 50777
district health commissioner, showing after a thorough 50778
examination that the child is physically fit to be employed in 50779
such occupations as are not prohibited by law for a boy or girl, 50780
as the case may be, under eighteen years of age; but a 50781
certificate with "limited" written, printed, marked, or stamped 50782
thereon may be furnished by such physician, physician assistant, 50783
clinical nurse specialist, or certified nurse practitioner and 50784

accepted by the superintendent or chief administrative officer 50785
in issuing a "limited" age and schooling certificate provided in 50786
section 3331.06 of the Revised Code, showing that the child is 50787
physically fit to be employed in some particular occupation not 50788
prohibited by law for a boy or girl of such child's age, as the 50789
case may be, even if the child's complete physical ability to 50790
engage in such occupation cannot be vouched for. 50791

(B) (1) Except as provided in division (B) (2) of this 50792
section, a physical fitness certificate described in division 50793
(A) (4) of this section is valid for purposes of that division 50794
while the child remains employed in job duties of a similar 50795
nature as the job duties for which the child last was issued an 50796
age and schooling certificate. The superintendent or chief 50797
administrative officer who issues an age and schooling 50798
certificate shall determine whether job duties are similar for 50799
purposes of this division. 50800

(2) A "limited" physical fitness certificate described in 50801
division (A) (4) of this section is valid for one year. 50802

(C) The superintendent of schools or the chief 50803
administrative officer shall require a child who resides out of 50804
this state to file all the information required under division 50805
(A) of this section. The superintendent of schools or the chief 50806
administrative officer shall evaluate the information filed and 50807
determine whether to issue the age and schooling certificate 50808
using the same standards as those the superintendent or officer 50809
uses for in-state children. 50810

Sec. 3331.04. (A) Until July 1, 2016, an age and schooling 50811
certificate may be issued by the superintendent of schools to a 50812
child over sixteen years of age upon proof acceptable to such 50813
superintendent of the following facts and upon agreement to the 50814

respective conditions made in writing by the child and by the 50815
parents, guardian, or custodian in charge of such child: 50816

(1) That the child is addicted to no habit which is likely 50817
to detract from the child's reliability or effectiveness as a 50818
worker, or proper use of the child's earnings or leisure, or the 50819
probability of the child's faithfully carrying out the 50820
conditions to which the child agrees as specified in division 50821
(A) (2) of this section, and in addition any one of the following 50822
groups of facts: 50823

(a) That the child has been a resident of the school 50824
district for the last two years, has diligently attended upon 50825
instruction at school for the last two years, and is able to 50826
read, write, and perform the fundamental operations of 50827
arithmetic. These abilities shall be judged by the 50828
superintendent. 50829

(b) That the child having been a resident of the school 50830
district less than two years, diligently attended upon 50831
instruction in school in the district in which the child was a 50832
resident next preceding the child's residence in the present 50833
district for the last school year preceding the child's removal 50834
to the present district, and has diligently attended upon 50835
instruction in the schools of the present district for the 50836
period that the child has been a resident thereof; 50837

(c) That the child has removed to the present school 50838
district since the beginning of the last annual school session, 50839
and that instruction adapted to the child's needs is not 50840
provided in the regular day schools in the district; 50841

(d) That conditions are such that the child must provide 50842
for the child's own support or that the child is needed for the 50843

support or care of parents or for the support or care of 50844
brothers or sisters for whom the parents are unable to provide 50845
and that the child is desirous of working for the support or 50846
care of self or of such parents or siblings and that such child 50847
cannot render such needed support or care by a reasonable effort 50848
outside of school hours; but no age and schooling certificate 50849
shall be granted to a child of this group upon proof of such 50850
facts without written consent given to the superintendent by the 50851
juvenile judge and by the department of job and family services. 50852

(2) In case the certificate is granted under division (A) 50853
(1) of this section, that until reaching the age of eighteen 50854
years the child will diligently attend in addition to part-time 50855
classes, such evening classes as will add to the child's 50856
education for literacy, citizenship, or vocational preparation 50857
which may be made available to the child in the school district 50858
and which the child may be directed to attend by the 50859
superintendent, or in case no such classes are available, that 50860
the child will pursue such reading and study and report monthly 50861
thereon as may be directed by the superintendent. 50862

(B) Beginning July 1, 2016, an age and schooling 50863
certificate may be issued pursuant to this section only to a 50864
child over sixteen years of age who does both of the following: 50865

(1) Upon agreement in writing, by the child and the 50866
parents, guardian, or custodian in charge of such child, 50867
provides proof acceptable to the superintendent that the 50868
conditions in division (A) (1) of this section are met; 50869

(2) Is enrolled in a competency-based instructional 50870
program to earn a high school diploma in accordance with the 50871
rules adopted by the ~~state board~~ department of education and 50872
workforce pursuant to division (C) of this section. 50873

(C) ~~Not later than July 1, 2016, the state board~~The 50874
department, in accordance with Chapter 119. of the Revised Code, 50875
shall adopt rules on the requirements for completing a 50876
competency-based instructional program that leads to a high 50877
school diploma under this section. 50878

Sec. 3331.08. In case a superintendent of schools refuses 50879
to excuse a child from attendance at school for one of the 50880
reasons stated in section 3321.04 or 3321.042 of the Revised 50881
Code, or a superintendent or a chief administrative officer 50882
refuses upon request to grant an age and schooling certificate 50883
as provided in section 3331.01 of the Revised Code, an appeal 50884
may be taken from such decision to the juvenile judge of the 50885
county, upon the giving of bond, within ten days thereafter, to 50886
the approval of such judge, to pay the costs of appeal. The 50887
juvenile judge's decision in the matter shall be final. 50888

Sec. 3332.02. This chapter does not apply to the following 50889
categories of courses, schools, or colleges: 50890

(A) Tuition-free courses or schools conducted by employers 50891
exclusively for their own employees; 50892

(B) Nonprofit institutions with certificates of 50893
authorization issued pursuant to section 1713.02 of the Revised 50894
Code or that are nonprofit institutions exempted from the 50895
requirement to obtain a certificate by division (E) of that 50896
section; 50897

(C) Schools, colleges, technical colleges, or universities 50898
established by law or chartered by the ~~Ohio board~~ chancellor of 50899
~~regents~~ higher education; 50900

(D) Courses of instruction required by law to be approved 50901
or licensed by a state board or agency other than the state 50902

board of career colleges and schools, except that a school so 50903
approved or licensed may apply to the state board of career 50904
colleges and schools for a certificate of registration to be 50905
issued in accordance with this chapter; 50906

(E) Schools for which minimum standards are prescribed by 50907
the ~~state board~~ director of education and workforce pursuant to 50908
division (D) of section 3301.07 of the Revised Code; 50909

(F) Courses of instruction conducted by a public school 50910
district or a combination of public school districts; 50911

(G) Courses of instruction conducted outside the United 50912
States; 50913

(H) Private institutions exempt from regulation under this 50914
chapter as prescribed in section 3333.046 of the Revised Code; 50915

(I) Training courses for employees paid for by their 50916
employers and conducted by outside service providers. 50917

Sec. 3332.03. There is hereby created the state board of 50918
career colleges and schools to consist of the ~~state~~ 50919
~~superintendent of public instruction or an assistant~~ 50920
~~superintendent designated by the superintendent, the~~ chancellor 50921
of the ~~Ohio board of regents~~ higher education or a vice 50922
chancellor designated by the chancellor, the director of 50923
education and workforce or the director's designee, and six 50924
members appointed by the governor, with the advice and consent 50925
of the senate. Members' terms of office shall be for five years, 50926
commencing on the twenty-first day of November and ending on the 50927
twentieth day of November. Each member shall hold office from 50928
the date of appointment until the end of the term for which the 50929
member was appointed. 50930

Three of the members appointed by the governor shall have 50931

been engaged for a period of not less than five years 50932
immediately preceding appointment in an executive or managerial 50933
position in a private, trade, technical, or other school subject 50934
to this chapter. One member appointed by the governor shall be a 50935
representative of students and shall have graduated with an 50936
associate or baccalaureate degree, within five years prior to 50937
appointment, from a school subject to this chapter. Two members 50938
appointed by the governor shall be representatives of the 50939
general public and shall have had no affiliation with, or direct 50940
or indirect interest in, schools subject to this chapter for at 50941
least two years prior to appointment. In selecting the 50942
representatives of the general public, the governor shall make 50943
an effort to find individuals with background or experience in 50944
the regulation of commerce, business, or education. The two 50945
members of the board who are representatives of the general 50946
public shall not be affiliated in any way with or have any 50947
direct or indirect interest in any schools subject to this 50948
chapter during their terms. Except for enrollment in a school 50949
subject to this chapter, the member representing students shall 50950
have had no affiliation in any way with, or have any direct or 50951
indirect interest in any school subject to this chapter for at 50952
least two years prior to appointment or during the member's 50953
term. 50954

Any vacancy shall be filled in the manner provided for 50955
original appointment. Any member appointed to fill a vacancy 50956
occurring prior to the expiration of the term for which the 50957
member's predecessor was appointed shall hold office for the 50958
remainder of such term. Any appointed member shall continue in 50959
office subsequent to the expiration date of the member's term 50960
until the member's successor takes office, or until a period of 50961
sixty days has elapsed, whichever occurs first. 50962

Members of the board have full voting rights, except for 50963
the member representing students who shall be a nonvoting 50964
member. Each member of the board appointed by the governor shall 50965
be compensated at the rate established pursuant to division (J) 50966
of section 124.15 of the Revised Code, but shall not receive 50967
step advancements, for those days the member is engaged in the 50968
discharge of official duties. In addition, members appointed by 50969
the governor may be compensated for the expenses necessarily 50970
incurred in the attendance at meetings or in performing other 50971
services for the board. The chairperson of the board shall 50972
annually be elected or determined as follows: 50973

(A) If both members of the board representing the general 50974
public have served on the board for at least one year, the 50975
members shall elect one of these two members as chairperson. If 50976
one of these members declines to be elected or serve, the other 50977
member representing the general public shall be chairperson. If 50978
both members representing the general public decline to be 50979
elected or serve, division (C) of this section shall apply. 50980

(B) If only one member of the board representing the 50981
general public has served on the board for at least one year, 50982
this member shall be chairperson. If this member declines to 50983
serve, division (C) of this section shall apply. 50984

(C) If neither member of the board representing the 50985
general public has served on the board for at least one year or 50986
if this division applies pursuant to division (A) or (B) of this 50987
section, the members of the board shall elect a chairperson from 50988
among any of the voting members of the board who have served on 50989
the board for at least one year. 50990

Sec. 3332.04. The state board of career colleges and 50991
schools may appoint an executive director and such other staff 50992

as may be required for the performance of the board's duties and 50993
provide necessary facilities. In selecting an executive 50994
director, the board shall appoint an individual with a 50995
background or experience in the regulation of commerce, 50996
business, or education. The board may also arrange for services 50997
and facilities to be provided by the ~~state board of education~~ 50998
~~and the Ohio board of regents~~department of education and 50999
workforce or the department of higher education. All receipts of 51000
the board shall be deposited in the state treasury to the credit 51001
of the occupational licensing and regulatory fund. 51002

Sec. 3333.04. The chancellor of higher education shall: 51003

(A) Make studies of state policy in the field of higher 51004
education and formulate a master plan for higher education for 51005
the state, considering the needs of the people, the needs of the 51006
state, and the role of individual public and private 51007
institutions within the state in fulfilling these needs; 51008

(B) (1) Report annually to the governor and the general 51009
assembly on the findings from the chancellor's studies and the 51010
master plan for higher education for the state; 51011

(2) Report at least semiannually to the general assembly 51012
and the governor the enrollment numbers at each state-assisted 51013
institution of higher education. 51014

(C) Approve or disapprove the establishment of new 51015
branches or academic centers of state colleges and universities; 51016

(D) Approve or disapprove the establishment of state 51017
technical colleges or any other state institution of higher 51018
education; 51019

(E) Recommend the nature of the programs, undergraduate, 51020
graduate, professional, state-financed research, and public 51021

services which should be offered by the state colleges, 51022
universities, and other state-assisted institutions of higher 51023
education in order to utilize to the best advantage their 51024
facilities and personnel; 51025

(F) Recommend to the state colleges, universities, and 51026
other state-assisted institutions of higher education graduate 51027
or professional programs, including, but not limited to, doctor 51028
of philosophy, doctor of education, and juris doctor programs, 51029
that could be eliminated because they constitute unnecessary 51030
duplication, as shall be determined using the process developed 51031
pursuant to this division, or for other good and sufficient 51032
cause. Prior to recommending a program for elimination, the 51033
chancellor shall request the board of regents to hold at least 51034
one public hearing on the matter and advise the chancellor on 51035
whether the program should be recommended for elimination. The 51036
board shall provide notice of each hearing within a reasonable 51037
amount of time prior to its scheduled date. Following the 51038
hearing, the board shall issue a recommendation to the 51039
chancellor. The chancellor shall consider the board's 51040
recommendation but shall not be required to accept it. 51041

For purposes of determining the amounts of any state 51042
instructional subsidies paid to state colleges, universities, 51043
and other state-assisted institutions of higher education, the 51044
chancellor may exclude students enrolled in any program that the 51045
chancellor has recommended for elimination pursuant to this 51046
division except that the chancellor shall not exclude any such 51047
student who enrolled in the program prior to the date on which 51048
the chancellor initially commences to exclude students under 51049
this division. 51050

The chancellor and state colleges, universities, and other 51051

state-assisted institutions of higher education shall jointly 51052
develop a process for determining which existing graduate or 51053
professional programs constitute unnecessary duplication. 51054

(G) Recommend to the state colleges, universities, and 51055
other state-assisted institutions of higher education programs 51056
which should be added to their present programs; 51057

(H) Conduct studies for the state colleges, universities, 51058
and other state-assisted institutions of higher education to 51059
assist them in making the best and most efficient use of their 51060
existing facilities and personnel; 51061

(I) Make recommendations to the governor and general 51062
assembly concerning the development of state-financed capital 51063
plans for higher education; the establishment of new state 51064
colleges, universities, and other state-assisted institutions of 51065
higher education; and the establishment of new programs at the 51066
existing state colleges, universities, and other institutions of 51067
higher education; 51068

(J) Review the appropriation requests of the public 51069
community colleges and the state colleges and universities and 51070
submit to the office of budget and management and to the 51071
chairpersons of the finance committees of the house of 51072
representatives and of the senate the chancellor's 51073
recommendations in regard to the biennial higher education 51074
appropriation for the state, including appropriations for the 51075
individual state colleges and universities and public community 51076
colleges. For the purpose of determining the amounts of 51077
instructional subsidies to be paid to state-assisted colleges 51078
and universities, the chancellor shall define "full-time 51079
equivalent student" by program per academic year. The definition 51080
may take into account the establishment of minimum enrollment 51081

levels in technical education programs below which support 51082
allowances will not be paid. Except as otherwise provided in 51083
this section, the chancellor shall make no change in the 51084
definition of "full-time equivalent student" in effect on 51085
November 15, 1981, which would increase or decrease the number 51086
of subsidy-eligible full-time equivalent students, without first 51087
submitting a fiscal impact statement to the president of the 51088
senate, the speaker of the house of representatives, the 51089
legislative service commission, and the director of budget and 51090
management. The chancellor shall work in close cooperation with 51091
the director of budget and management in this respect and in all 51092
other matters concerning the expenditures of appropriated funds 51093
by state colleges, universities, and other institutions of 51094
higher education. 51095

(K) Seek the cooperation and advice of the officers and 51096
trustees of both public and private colleges, universities, and 51097
other institutions of higher education in the state in 51098
performing the chancellor's duties and making the chancellor's 51099
plans, studies, and recommendations; 51100

(L) Appoint advisory committees consisting of persons 51101
associated with public or private secondary schools, members of 51102
the state board of education, or personnel of the ~~state~~ 51103
department of education and workforce; 51104

(M) Appoint advisory committees consisting of college and 51105
university personnel, or other persons knowledgeable in the 51106
field of higher education, or both, in order to obtain their 51107
advice and assistance in defining and suggesting solutions for 51108
the problems and needs of higher education in this state; 51109

(N) Approve or disapprove all new degrees and new degree 51110
programs at all state colleges, universities, and other state- 51111

assisted institutions of higher education. 51112

When considering approval of a new degree or degree 51113
program for a state institution of higher education, as defined 51114
in section 3345.011 of the Revised Code, the chancellor shall 51115
take into account the extent to which the degree or degree 51116
program aligns with the state's workforce development 51117
priorities. 51118

(O) Adopt such rules as are necessary to carry out the 51119
chancellor's duties and responsibilities. The rules shall 51120
prescribe procedures for the chancellor to follow when taking 51121
actions associated with the chancellor's duties and 51122
responsibilities and shall indicate which types of actions are 51123
subject to those procedures. The procedures adopted under this 51124
division shall be in addition to any other procedures prescribed 51125
by law for such actions. However, if any other provision of the 51126
Revised Code or rule adopted by the chancellor prescribes 51127
different procedures for such an action, the procedures adopted 51128
under this division shall not apply to that action to the extent 51129
they conflict with the procedures otherwise prescribed by law. 51130
The procedures adopted under this division shall include at 51131
least the following: 51132

(1) Provision for public notice of the proposed action; 51133

(2) An opportunity for public comment on the proposed 51134
action, which may include a public hearing on the action by the 51135
board of regents; 51136

(3) Methods for parties that may be affected by the 51137
proposed action to submit comments during the public comment 51138
period; 51139

(4) Submission of recommendations from the board of 51140

regents regarding the proposed action, at the request of the
chancellor; 51141
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(5) Written publication of the final action taken by the
chancellor and the chancellor's rationale for the action; 51143
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(6) A timeline for the process described in divisions (O)
(1) to (5) of this section. 51145
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(P) Make recommendations to the governor and the general
assembly regarding the design and funding of the student
financial aid programs specified in sections 3333.12, 3333.122,
3333.21 to 3333.26, and 5910.02 of the Revised Code; 51147
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(Q) Participate in education-related state or federal
programs on behalf of the state and assume responsibility for
the administration of such programs in accordance with
applicable state or federal law; 51151
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(R) Adopt rules for student financial aid programs as
required by sections 3333.12, 3333.122, 3333.21 to 3333.26,
3333.28, and 5910.02 of the Revised Code, and perform any other
administrative functions assigned to the chancellor by those
sections; 51155
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(S) Conduct enrollment audits of state-supported
institutions of higher education; 51160
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(T) Appoint consortia of college and university personnel
to advise or participate in the development and operation of
statewide collaborative efforts, including the Ohio
supercomputer center, the Ohio academic resources network,
OhioLink, and the Ohio learning network. For each consortium,
the chancellor shall designate a college or university to serve
as that consortium's fiscal agent, financial officer, and
employer. Any funds appropriated for the consortia shall be 51162
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distributed to the fiscal agents for the operation of the 51170
consortia. A consortium shall follow the rules of the college or 51171
university that serves as its fiscal agent. The chancellor may 51172
restructure existing consortia, appointed under this division, 51173
in accordance with procedures adopted under divisions (O) (1) to 51174
(6) of this section. 51175

(U) Adopt rules establishing advisory duties and 51176
responsibilities of the board of regents not otherwise 51177
prescribed by law; 51178

(V) Respond to requests for information about higher 51179
education from members of the general assembly and direct staff 51180
to conduct research or analysis as needed for this purpose. 51181

Sec. 3333.041. (A) On or before the last day of December 51182
of each year, the chancellor of higher education shall submit to 51183
the governor and, in accordance with section 101.68 of the 51184
Revised Code, the general assembly a report or reports 51185
concerning all of the following: 51186

(1) The status of graduates of Ohio school districts at 51187
state institutions of higher education during the twelve-month 51188
period ending on the thirtieth day of September of the current 51189
calendar year. The report shall list, by school district, the 51190
number of graduates of each school district who attended a state 51191
institution of higher education and the percentage of each 51192
district's graduates enrolled in a state institution of higher 51193
education during the reporting period who were required during 51194
such period by the college or university, as a prerequisite to 51195
enrolling in those courses generally required for first-year 51196
students, to enroll in a remedial course in English, including 51197
composition or reading, mathematics, and any other area 51198
designated by the chancellor. The chancellor also shall make the 51199

information described in division (A)(1) of this section 51200
available to the board of education of each city, exempted 51201
village, and local school district. 51202

Each state institution of higher education shall, by the 51203
first day of November of each year, submit to the chancellor in 51204
the form specified by the chancellor the information the 51205
chancellor requires to compile the report. 51206

(2) The following information with respect to the Ohio 51207
tuition trust authority: 51208

(a) The name of each investment manager that is a minority 51209
business enterprise or a women's business enterprise with which 51210
the chancellor contracts; 51211

(b) The amount of assets managed by investment managers 51212
that are minority business enterprises or women's business 51213
enterprises, expressed as a percentage of assets managed by 51214
investment managers with which the chancellor has contracted; 51215

(c) Efforts by the chancellor to increase utilization of 51216
investment managers that are minority business enterprises or 51217
women's business enterprises. 51218

(3) The chancellor's strategy in assigning choose Ohio 51219
first scholarships, as established under section 3333.61 of the 51220
Revised Code, among state universities and colleges and how the 51221
actual awards fit that strategy. 51222

(4) The academic and economic impact of the Ohio co- 51223
op/internship program established under section 3333.72 of the 51224
Revised Code. At a minimum, the report shall include the 51225
following: 51226

(a) Progress and performance metrics for each initiative 51227

that received an award in the previous fiscal year; 51228

(b) Economic indicators of the impact of each initiative, 51229
and all initiatives as a whole, on the regional economies and 51230
the statewide economy; 51231

(c) The chancellor's strategy in allocating awards among 51232
state institutions of higher education and how the actual awards 51233
fit that strategy. 51234

(B) On or before the fifteenth day of February of each 51235
year, the ~~director~~chancellor shall submit to the governor and, 51236
in accordance with section 101.68 of the Revised Code, the 51237
general assembly a report concerning aggregate academic growth 51238
data for students assigned to graduates of teacher preparation 51239
programs approved under section 3333.048 of the Revised Code who 51240
teach English language arts or mathematics in any of grades four 51241
to eight in a public school in Ohio. For this purpose, the 51242
~~director~~chancellor shall use the value-added progress dimension 51243
prescribed by section 3302.021 of the Revised Code or the 51244
alternative student academic progress measure if adopted under 51245
division (C)(1)(e) of section 3302.03 of the Revised Code. The 51246
~~director~~chancellor shall aggregate the data by graduating class 51247
for each approved teacher preparation program, except that if a 51248
particular class has ten or fewer graduates to which this 51249
division applies, the ~~director~~chancellor shall report the data 51250
for a group of classes over a three-year period. In no case 51251
shall the report identify any individual graduate. The 51252
department of education and workforce shall share any data 51253
necessary for the report with the ~~director~~chancellor. 51254

(C) As used in this section: 51255

(1) "Minority business enterprise" has the same meaning as 51256

in section 122.71 of the Revised Code. 51257

(2) "State institution of higher education" and "state university" have the same meanings as in section 3345.011 of the Revised Code. 51258
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(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code. 51261
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(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state. 51263
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Sec. 3333.048. (A) ~~Not later than one year after October 16, 2009, the~~ The chancellor of higher education and the ~~superintendent of public instruction~~ director of education and workforce jointly shall do the following: 51267
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(1) In accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and educator preparation programs shall be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code. The metrics and educator preparation programs also shall ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C) (1) (e) of section 3302.03 of the Revised Code. 51271
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(2) Provide for the inspection of institutions of higher education desiring to prepare educators and other school personnel. 51286
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(B) ~~Not later than one year after October 16, 2009, the~~ 51289
The chancellor shall approve institutions of higher education 51290
engaged in the preparation of educators and other school 51291
personnel that maintain satisfactory training procedures and 51292
records of performance, as determined by the chancellor. 51293

(C) If the metrics established under division (A) (1) of 51294
this section require an institution of higher education that 51295
prepares teachers to satisfy the standards of an independent 51296
accreditation organization, the chancellor shall permit each 51297
institution to satisfy the standards of any applicable national 51298
educator preparation accrediting agency recognized by the United 51299
States department of education. 51300

(D) The metrics and educator preparation programs 51301
established under division (A) (1) of this section may require an 51302
institution of higher education, as a condition of approval by 51303
the chancellor, to make changes in the curricula of its 51304
preparation programs for educators and other school personnel. 51305

Notwithstanding division (E) of section 119.03 and 51306
division (A) (1) of section 119.04 of the Revised Code, any 51307
metrics, educator preparation programs, rules, and regulations, 51308
or any amendment or rescission of such metrics, educator 51309
preparation programs, rules, and regulations, adopted under this 51310
section that necessitate institutions offering preparation 51311
programs for educators and other school personnel approved by 51312
the chancellor to revise the curricula of those programs shall 51313
not be effective for at least one year after the first day of 51314
January next succeeding the publication of the said change. 51315

Each institution shall allocate money from its existing revenue sources to pay the cost of making the curricular changes.

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A) (1) of this section and the institutions of higher education approved under division (B) of this section. The state board shall publish the metrics, educator preparation programs, and approved institutions with the standards and qualifications for each type of educator license.

(F) The graduates of educator preparation programs approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code.

Sec. 3333.0411. Not later than December 31, 2014, and annually thereafter, the chancellor of higher education shall report for each approved teacher preparation program, the number and percentage of all graduates of the program who were rated at each of the performance levels prescribed by division (B) (1) of section 3319.112 of the Revised Code on an evaluation conducted in accordance with section 3319.111 of the Revised Code in the previous school year.

In no case shall the report identify any individual graduate. The department of education and workforce shall share any data necessary for the report with the chancellor.

Sec. 3333.0415. ~~Beginning in 2018, the~~ The chancellor of higher education, in collaboration with the department of education and workforce, shall prepare an annual report regarding the progress the state is making in increasing the

percentage of adults in the state with a college degree, 51345
industry certificate, or other postsecondary credential to 51346
sixty-five per cent by the year 2025. The chancellor shall 51347
submit an electronic copy of the report to the governor, the 51348
president and minority leader of the senate, and the speaker and 51349
minority leader of the house of representatives. 51350

Sec. 3333.07. (A) Colleges, universities, and other 51351
institutions of higher education which receive state assistance, 51352
but are not supported primarily by the state, shall submit to 51353
the chancellor of higher education such accounting of the 51354
expenditure of state funds at such time and in such form as the 51355
chancellor prescribes. 51356

(B) No state institution of higher education shall 51357
establish a new branch or academic center without the approval 51358
of the chancellor. 51359

(C) No state institution of higher education shall offer a 51360
new degree or establish a new degree program without the 51361
approval of the chancellor. No degree approval shall be given 51362
for a technical education program unless such program is offered 51363
by a state assisted university, a university branch, a technical 51364
college, or a community college. 51365

(D) Any state college, university, or other state assisted 51366
institution of higher education not complying with a 51367
recommendation of the chancellor pursuant to division (F) or (G) 51368
of section 3333.04 of the Revised Code shall so notify the 51369
chancellor in writing within one hundred twenty days after 51370
receipt of the recommendation, stating the reasons why it cannot 51371
or should not comply. 51372

(E) The officers, trustees, and employees of all 51373

institutions of higher education which are state supported or 51374
state assisted shall cooperate with the chancellor in supplying 51375
information regarding their institutions, and advising and 51376
assisting the chancellor on matters of higher education in this 51377
state in every way possible when so requested by the chancellor. 51378

(F) Persons associated with the public school systems in 51379
this state, ~~and the personnel of the state department of~~ 51380
~~education, and members of the state board of education and~~ 51381
workforce shall provide such data about high school students as 51382
are requested by the chancellor to aid in the development of 51383
state higher education plans. 51384

Sec. 3333.162. (A) As used in this section, "state 51385
institution of higher education" means an institution of higher 51386
education as defined in section 3345.12 of the Revised Code. 51387

(B) ~~By April 15, 2007, the~~ The chancellor of higher 51388
education, in consultation with the department of education and 51389
workforce, public adult and secondary career-technical education 51390
institutions, ~~and~~ state institutions of higher education, shall 51391
establish criteria, policies, and procedures that enable 51392
students to transfer agreed upon technical courses completed 51393
through an adult career-technical education institution, a 51394
public secondary career-technical institution, or a state 51395
institution of higher education to a state institution of higher 51396
education without unnecessary duplication or institutional 51397
barriers. The courses to which the criteria, policies, and 51398
procedures apply shall be those that adhere to recognized 51399
industry standards and equivalent coursework common to the 51400
secondary career pathway and adult career-technical education 51401
system and regionally accredited state institutions of higher 51402
education. Where applicable, the policies and procedures shall 51403

build upon the articulation agreement and transfer initiative 51404
course equivalency system required by section 3333.16 of the 51405
Revised Code. 51406

Sec. 3333.167. (A) As used in this section: 51407

(1) "Approved course" means a career-technical education 51408
course offered by a career-technical planning district to which 51409
either of the following applies: 51410

(a) The course complies with the criteria, policies, and 51411
procedures established under section 3333.162 of the Revised 51412
Code. 51413

(b) The course is approved through an articulation 51414
agreement that a career-technical planning district has entered 51415
into with a state institution of higher education. 51416

(2) "Career-technical planning district" has the same 51417
meaning as in section 3317.023 of the Revised Code. 51418

(3) "State institution of higher education" has the same 51419
meaning as in section 3345.011 of the Revised Code. 51420

(B) The chancellor of higher education, in consultation 51421
with the ~~superintendent of public instruction~~director of 51422
education and workforce, shall develop and, if determined 51423
appropriate by the chancellor and the ~~state~~ 51424
~~superintendent~~director, implement a statewide plan that permits 51425
a high school student enrolled in a career-technical planning 51426
district to receive post-secondary credit on a college 51427
transcript in a manner comparable to the college credit plus 51428
program established under Chapter 3365. of the Revised Code for 51429
the completion of an approved course. 51430

(C) The statewide plan developed under division (B) of 51431

this section shall do all of the following: 51432

(1) Identify and define the criteria, policies, 51433
procedures, and timelines necessary for a high school student to 51434
receive post-secondary credit on a college transcript for 51435
completing an approved course; 51436

(2) Identify any technology solutions or statewide data 51437
information systems necessary to streamline and facilitate the 51438
electronic exchange of student data to improve the credit 51439
verification process for students, career-technical planning 51440
districts, and state institutions of higher education; 51441

(3) Identify any regional or national accreditation 51442
requirements or state policy barriers that currently exist that 51443
need to be considered in developing the statewide plan; 51444

(4) If the chancellor and the ~~state superintendent~~ 51445
director determine it appropriate to implement the statewide 51446
plan, recommend a date and the method by which the statewide 51447
plan shall be implemented. 51448

(D) The chancellor shall convene a group of stakeholders 51449
to assist in preparing the plan under division (B) of this 51450
section. The group shall include a representative from each of 51451
the following: 51452

(1) The Ohio association of career-technical education; 51453

(2) The Ohio association of career-technical 51454
superintendents; 51455

(3) The Ohio association of compact and comprehensive 51456
career-technical schools; 51457

(4) The Ohio association of community colleges; 51458

(5) The inter-university council of Ohio; 51459

(6) The association of independent colleges and 51460
universities of Ohio; 51461

(7) Any other stakeholders determined appropriate by the 51462
chancellor. 51463

(E) Not later than June 30, 2020, the chancellor shall 51464
submit to the governor, the president and minority leader of the 51465
senate, and the speaker and minority leader of the house of 51466
representatives, the completed plan developed under division (B) 51467
of this section. 51468

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of 51469
the Revised Code, "term" and "academic year" mean "term" and 51470
"academic year" as defined by the chancellor of higher 51471
education. 51472

The chancellor shall establish and administer an academic 51473
scholarship program. Under the program, a total of one thousand 51474
new scholarships shall be awarded annually in the amount of not 51475
less than two thousand dollars per award. At least one such new 51476
scholarship shall be awarded annually to a student in each 51477
public high school and joint vocational school and each 51478
nonpublic high school for which the ~~state board~~ director of 51479
education and workforce prescribes minimum standards in 51480
accordance with section 3301.07 of the Revised Code. 51481

To be eligible for the award of a scholarship, a student 51482
shall be a resident of Ohio and shall be enrolled as a full-time 51483
undergraduate student in an Ohio institution of higher education 51484
that meets the requirements of Title VI of the "Civil Rights Act 51485
of 1964" and is state-assisted, is nonprofit and holds a 51486
certificate of authorization issued under section 1713.02 of the 51487

Revised Code, is a private institution exempt from regulation 51488
under Chapter 3332. of the Revised Code as prescribed in section 51489
3333.046 of the Revised Code, or holds a certificate of 51490
registration and program authorization issued under section 51491
3332.05 of the Revised Code and awards an associate or 51492
bachelor's degree. Students who attend an institution holding a 51493
certificate of registration shall be enrolled in a program 51494
leading to an associate or bachelor's degree for which associate 51495
or bachelor's degree program the institution has program 51496
authorization to offer the program issued under section 3332.05 51497
of the Revised Code. 51498

"Resident" and "full-time student" shall be defined in 51499
rules adopted by the chancellor. 51500

The chancellor shall award the scholarships on the basis 51501
of a formula designed by the chancellor to identify students 51502
with the highest capability for successful college study. The 51503
formula shall weigh the factor of achievement, as measured by 51504
grade point average, and the factor of ability, as measured by 51505
performance on a competitive examination specified by the 51506
chancellor. Students receiving scholarships shall be known as 51507
"Ohio academic scholars." 51508

Sec. 3333.31. (A) For state subsidy and tuition surcharge 51509
purposes, status as a resident of Ohio shall be defined by the 51510
chancellor of higher education by rule promulgated pursuant to 51511
Chapter 119. of the Revised Code. No adjudication as to the 51512
status of any person under such rule, however, shall be required 51513
to be made pursuant to Chapter 119. of the Revised Code. The 51514
term "resident" for these purposes shall not be equated with the 51515
definition of that term as it is employed elsewhere under the 51516
laws of this state and other states, and shall not carry with it 51517

any of the legal connotations appurtenant thereto. Rather, 51518
except as provided in divisions (B), (C), (D), (F), and (G) of 51519
this section, for such purposes, the rule promulgated under this 51520
section shall have the objective of excluding from treatment as 51521
residents those who are present in the state primarily for the 51522
purpose of attending a state-supported or state-assisted 51523
institution of higher education, and may prescribe presumptive 51524
rules, rebuttable or conclusive, as to such purpose based upon 51525
the source or sources of support of the student, residence prior 51526
to first enrollment, evidence of intention to remain in the 51527
state after completion of studies, or such other factors as the 51528
chancellor deems relevant. 51529

(B) The rules of the chancellor for determining student 51530
residency shall grant residency status to a veteran and to the 51531
veteran's spouse and any dependent of the veteran, if both of 51532
the following conditions are met: 51533

(1) The veteran either: 51534

(a) Served one or more years on active military duty and 51535
was honorably discharged or received a medical discharge that 51536
was related to the military service; 51537

(b) Was killed while serving on active military duty or 51538
has been declared to be missing in action or a prisoner of war. 51539

(2) If the veteran seeks residency status for tuition 51540
surcharge purposes, the veteran has established domicile in this 51541
state as of the first day of a term of enrollment in an 51542
institution of higher education. If the spouse or a dependent of 51543
the veteran seeks residency status for tuition surcharge 51544
purposes, the veteran and the spouse or dependent seeking 51545
residency status have established domicile in this state as of 51546

the first day of a term of enrollment in an institution of higher education, except that if the veteran was killed while serving on active military duty, has been declared to be missing in action or a prisoner of war, or is deceased after discharge, only the spouse or dependent seeking residency status shall be required to have established domicile in accordance with this division.

(C) The rules of the chancellor for determining student residency shall grant residency status to both of the following:

(1) A veteran who is the recipient of federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria:

(a) The veteran served at least ninety days on active duty.

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.

(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education.

(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria:

(a) The person enrolls in a state institution of higher education.

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education. 51576
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In order for a person using transferred federal veterans' benefits to qualify under division (C) (2) of this section, the veteran who transferred the benefits must have served at least ninety days on active duty or the service member who transferred the benefits must be on active duty. 51578
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(D) The rules of the chancellor for determining student residency shall grant residency status to a service member who is on active duty and to the service member's spouse and any dependent of the service member while the service member is on active duty. In order to qualify under division (D) of this section, the rules shall require the student seeking in-state tuition rates to live in the state as of the first day of a term of enrollment in the state institution of higher education, but shall not require the service member or the service member's spouse or dependent to establish domicile in this state as of the first day of a term of enrollment in an institution of higher education. 51583
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(E) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates. 51595
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Documentation of full-time employment and domicile shall include both of the following documents: 51602
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(1) A sworn statement from the employer or the employer's 51604

representative on the letterhead of the employer or the 51605
employer's representative certifying that the parent or spouse 51606
of the student is employed full-time in Ohio; 51607

(2) A copy of the lease under which the parent or spouse 51608
is the lessee and occupant of rented residential property in the 51609
state, a copy of the closing statement on residential real 51610
property of which the parent or spouse is the owner and occupant 51611
in this state or, if the parent or spouse is not the lessee or 51612
owner of the residence in which the parent or spouse has 51613
established domicile, a letter from the owner of the residence 51614
certifying that the parent or spouse resides at that residence. 51615

Residency officers may also evaluate, in accordance with 51616
the chancellor's rule, requests for immediate residency status 51617
from dependent students whose parents are not living and whose 51618
domicile follows that of a legal guardian who has accepted full- 51619
time employment and established domicile in the state for 51620
reasons other than gaining the benefit of favorable tuition 51621
rates. 51622

(F) (1) The rules of the chancellor for determining student 51623
residency shall grant residency status to a person who enrolls 51624
in an institution of higher education and establishes domicile 51625
in this state, regardless of the student's residence prior to 51626
that enrollment and satisfies either of the following 51627
conditions: 51628

(a) The person, while a resident of this state for state 51629
subsidy and tuition surcharge purposes, graduated from a high 51630
school in this state or completed the final year of instruction 51631
at home as authorized under section ~~3321.04~~ 3321.042 of the 51632
Revised Code. 51633

- (b) The person meets all of the following criteria: 51634
- (i) The person officially withdrew from a school in this 51635
state while the person was a resident of this state for state 51636
subsidy and tuition surcharge purposes. 51637
- (ii) The person has not received a high school diploma or 51638
honors diploma awarded under section 3313.61, 3313.611, 51639
3313.612, or 3325.08 of the Revised Code or a high school 51640
diploma awarded by a school located in another state or country. 51641
- (iii) The person, while a resident of this state for state 51642
subsidy and tuition surcharge purposes, both took a high school 51643
equivalency test and was awarded a certificate of high school 51644
equivalence. 51645
- (2) The rules of the chancellor for determining student 51646
residency shall not grant residency status to an alien if the 51647
alien is not also an immigrant or a nonimmigrant. 51648
- (G) The rules of the chancellor for determining student 51649
residency status shall grant residency status to a person to 51650
whom all of the following apply: 51651
- (1) The person, while not a resident of this state for 51652
state subsidy and tuition surcharge purposes, lives in this 51653
state and completes a bachelor's degree program at an 51654
institution of higher education in this state. 51655
- (2) The person, upon completing that bachelor's degree 51656
program, immediately enrolls in a graduate degree program, as 51657
determined appropriate by the chancellor, offered at any state 51658
institution of higher education. 51659
- (3) The person, while enrolled in the graduate degree 51660
program, resides in this state. 51661

The chancellor's rules adopted under this section shall 51662
define "immediately" for the purposes of division (G) of this 51663
section. 51664

(H) As used in this section: 51665

(1) "Dependent," "domicile," "institution of higher 51666
education," and "residency officer" have the meanings ascribed 51667
in the chancellor's rules adopted under this section. 51668

(2) "Alien" means a person who is not a United States 51669
citizen or a United States national. 51670

(3) "Immigrant" means an alien who has been granted the 51671
right by the United States bureau of citizenship and immigration 51672
services to reside permanently in the United States and to work 51673
without restrictions in the United States. 51674

(4) "Nonimmigrant" means an alien who has been granted the 51675
right by the United States bureau of citizenship and immigration 51676
services to reside temporarily in the United States. 51677

(5) "Veteran" means any person who has completed service 51678
in the uniformed services, as defined in section 3511.01 of the 51679
Revised Code. 51680

(6) "Service member" has the same meaning as in section 51681
5903.01 of the Revised Code. 51682

(7) "Certificate of high school equivalence" means either 51683
of the following: 51684

(a) A certificate of high school equivalence awarded by 51685
the department of education and workforce under division (A) of 51686
section 3301.80 of the Revised Code; 51687

(b) The equivalent of a certificate of high school 51688

equivalence awarded by the state board of education under former 51689
law, as defined in division (C)(1) of section 3301.80 of the 51690
Revised Code. 51691

Sec. 3333.34. (A) As used in this section: 51692

(1) "Pre-college stackable certificate" means a 51693
certificate earned before an adult is enrolled in an institution 51694
of higher education that can be transferred to college credit 51695
based on standards established by the chancellor of higher 51696
education and the department of education and workforce. 51697

(2) "College-level certificate" means a certificate earned 51698
while an adult is enrolled in an institution of higher education 51699
that can be transferred to college credit based on standards 51700
established by the chancellor and the department ~~of education~~. 51701

(B) The chancellor and the department ~~of education~~ shall 51702
create a system of pre-college stackable certificates to provide 51703
a clear and accessible path for adults seeking to advance their 51704
education. The system shall do all of the following: 51705

(1) Be uniform across the state; 51706

(2) Be available from an array of providers, including 51707
adult career centers, institutions of higher education, and 51708
employers; 51709

(3) Be structured to respond to the expectations of both 51710
the workplace and higher education; 51711

(4) Be articulated in a way that ensures the most 51712
effective interconnection of competencies offered in specialized 51713
training programs; 51714

(5) Establish standards for earning pre-college 51715
certificates; 51716

(6) Establish transferability of pre-college certificates 51717
to college credit. 51718

(C) The chancellor shall develop college-level 51719
certificates that can be transferred to college credit in 51720
different subject competencies. The certificates shall be based 51721
on competencies and experience and not on classroom seat time. 51722

Sec. 3333.35. ~~The state board~~ department of education and 51723
workforce and the chancellor of higher education shall strive to 51724
reduce unnecessary student remediation costs incurred by 51725
colleges and universities in this state, increase overall access 51726
for students to higher education, and enhance the college credit 51727
plus program in accordance with Chapter 3365. of the Revised 51728
Code, ~~and. The state board of education shall strive to~~ enhance 51729
the alternative resident educator licensure program in 51730
accordance with section 3319.26 of the Revised Code. 51731

Sec. 3333.37. As used in sections 3333.37 to 3333.375 of 51732
the Revised Code, the following words and terms have the 51733
following meanings unless the context indicates a different 51734
meaning or intent: 51735

(A) "Cost of attendance" means all costs of a student 51736
incurred in connection with a program of study at an eligible 51737
institution, as determined by the institution, including 51738
tuition; instructional fees; room and board; books, computers, 51739
and supplies; and other related fees, charges, and expenses. 51740

(B) "Eligible institution" means one of the following: 51741

(1) A state-assisted post-secondary educational 51742
institution within the state; 51743

(2) A nonprofit institution of higher education within the 51744
state that holds a certificate of authorization issued under 51745

Chapter 1713. of the Revised Code, that is accredited by the 51746
appropriate regional and, when appropriate, professional 51747
accrediting associations within whose jurisdiction it falls, is 51748
authorized to grant a bachelor's degree or higher, and satisfies 51749
other conditions as set forth in the policy guidelines; 51750

(3) A private institution exempt from regulation under 51751
Chapter 3332. of the Revised Code as prescribed in section 51752
3333.046 of the Revised Code. 51753

(C) "Eligible student" means either of the following: 51754

(1) An undergraduate student who meets all of the 51755
following: 51756

(a) Is a resident of this state; 51757

(b) Has graduated from any Ohio secondary school for which 51758
~~the state board~~ director of education and workforce prescribes 51759
minimum standards in accordance with section 3301.07 of the 51760
Revised Code; 51761

(c) Is attending and in good standing, or has been 51762
accepted for attendance, at any eligible institution as a full- 51763
time student to pursue a bachelor's degree. 51764

(2) A graduate student who is a resident of this state, 51765
and is attending and in good standing, or has been accepted for 51766
attendance, at any eligible institution. 51767

(D) "Fellowship" or "fellowship program" means the Ohio 51768
priority needs fellowship created by sections 3333.37 to 51769
3333.375 of the Revised Code. 51770

(E) "Full-time student" has the meaning as defined by rule 51771
of the chancellor of higher education. 51772

(F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code.

(G) "Policy guidelines" means the rules adopted by the chancellor pursuant to section 3333.374 of the Revised Code.

(H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code.

(I) "Priority needs field of study" means those academic majors and disciplines as determined by the chancellor that support the purposes and intent of sections 3333.37 to 3333.375 of the Revised Code as described in section 3333.371 of the Revised Code.

(J) "Scholarship" or "scholarship program" means the Ohio outstanding scholarship created by sections 3333.37 to 3333.375 of the Revised Code.

Sec. 3333.39. The chancellor of higher education and the ~~superintendent of public instruction~~ department of education and workforce shall establish and administer the teach Ohio program to promote and encourage citizens of this state to consider teaching as a profession. The program shall include all of the following:

(A) A statewide program administered by a nonprofit corporation that has been in existence for at least fifteen years with demonstrated results in encouraging high school students from economically disadvantaged groups to enter the teaching profession. The chancellor and ~~superintendent~~ the department jointly shall select the nonprofit corporation.

(B) The Ohio teaching fellows program established under

sections 3333.391 and 3333.392 of the Revised Code; 51802

(C) The Ohio teacher residency program established under 51803
section 3319.223 of the Revised Code; 51804

(D) Alternative licensure procedures established under 51805
section 3319.26 of the Revised Code; 51806

(E) Any other program as identified by the chancellor and 51807
~~the superintendent~~ department. 51808

Sec. 3333.391. (A) As used in this section and in section 51809
3333.392 of the Revised Code: 51810

(1) "Academic year" shall be as defined by the chancellor 51811
of higher education. 51812

(2) "Hard-to-staff school" and "hard-to-staff subject" 51813
shall be as defined by the department of education and 51814
workforce. 51815

(3) "Parent" means the parent, guardian, or custodian of a 51816
qualified student. 51817

(4) "Qualified service" means teaching at a qualifying 51818
school. 51819

(5) "Qualifying school" means a hard-to-staff school 51820
district building or a school district building that has a 51821
persistently low performance rating, as determined jointly by 51822
the chancellor and ~~superintendent of public instruction~~ the 51823
department of education and workforce, under section 3302.03 of 51824
the Revised Code at the time the recipient becomes employed by 51825
the district. 51826

(B) If the chancellor of higher education determines that 51827
sufficient funds are available from general revenue fund 51828

appropriations made to the department of higher education or to 51829
the chancellor, the chancellor and the ~~superintendent of public~~ 51830
~~instruction~~ department of education and workforce jointly may 51831
develop and agree on a plan for the Ohio teaching fellows 51832
program to promote and encourage high school seniors to enter 51833
and remain in the teaching profession. Upon agreement of such a 51834
plan, the chancellor shall establish and administer the program 51835
in conjunction with the ~~superintendent~~ department of education 51836
and workforce and with the cooperation of teacher training 51837
institutions. Under the program, the chancellor annually shall 51838
provide scholarships to students who commit to teaching in a 51839
qualifying school for a minimum of four years upon graduation 51840
from a teacher training program at a state institution of higher 51841
education or an Ohio nonprofit institution of higher education 51842
that has a certificate of authorization under Chapter 1713. of 51843
the Revised Code. The scholarships shall be for up to four years 51844
at the undergraduate level at an amount determined by the 51845
chancellor based on state appropriations. 51846

(C) The chancellor shall adopt a competitive process for 51847
awarding scholarships under the teaching fellows program, which 51848
shall include minimum grade point average and scores on national 51849
standardized tests for college admission. The process shall also 51850
give additional consideration to all of the following: 51851

(1) A person who has participated in the program described 51852
in division (A) of section 3333.39 of the Revised Code; 51853

(2) A person who plans to specialize in teaching students 51854
with special needs; 51855

(3) A person who plans to teach in the disciplines of 51856
science, technology, engineering, or mathematics. 51857

The chancellor shall require that all applicants to the teaching fellows program shall file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code.

(D) Teaching fellows shall complete the four-year teaching commitment within not more than seven years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.392 of the Revised Code.

(E) The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer this section and section 3333.392 of the Revised Code.

Sec. 3333.43. This section does not apply to any baccalaureate degree program that is a cooperative education program, as defined in section 3333.71 of the Revised Code.

(A) The chancellor of higher education shall require all state institutions of higher education that offer baccalaureate degrees, as a condition of reauthorization for certification of each baccalaureate program offered by the institution, to submit a statement describing how each major for which the school offers a baccalaureate degree may be completed within three academic years. The chronology of the statement shall begin with the fall semester of a student's first year of the baccalaureate program.

(B) The statement required under this section may include, but not be limited to, any of the following methods to contribute to earning a baccalaureate degree in three years:

(1) Advanced placement credit;	51887
(2) International baccalaureate program credit;	51888
(3) A waiver of degree and credit-hour requirements by completion of courses that are widely available at community colleges in the state or through online programs offered by state institutions of higher education or private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and through courses taken by the student through the college credit plus program under Chapter 3365. of the Revised Code;	51889 51890 51891 51892 51893 51894 51895 51896
(4) Completion of coursework during summer sessions;	51897
(5) A waiver of foreign-language degree requirements based on a proficiency examination specified by the institution.	51898 51899
(C) (1) Not later than October 15, 2012, each state institution of higher education shall provide statements required under this section for ten per cent of all baccalaureate degree programs offered by the institution.	51900 51901 51902 51903
(2) Not later than June 30, 2014, each state institution of higher education shall provide statements required under this section for sixty per cent of all baccalaureate degree programs offered by the institution.	51904 51905 51906 51907
(D) Each state institution of higher education required to submit statements under this section shall post its three-year option on its web site and also provide that information to the department of education <u>and workforce</u> . The department shall distribute that information to the superintendent, high school principal, and guidance counselor, or equivalents, of each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under	51908 51909 51910 51911 51912 51913 51914 51915

Chapter 3326. of the Revised Code. 51916

(E) Nothing in this section requires an institution to 51917
take any action that would violate the requirements of any 51918
independent association accrediting baccalaureate degree 51919
programs. 51920

Sec. 3333.66. (A) (1) Except as provided in division (A) (2) 51921
of this section, in each academic year, no student who receives 51922
a choose Ohio first scholarship shall receive less than one 51923
thousand five hundred dollars or more than one-half of the 51924
highest in-state undergraduate instructional and general fees 51925
charged by all state universities. For this purpose, if Miami 51926
university is implementing the pilot tuition restructuring plan 51927
originally recognized in Am. Sub. H.B. 95 of the 125th general 51928
assembly, that university's instructional and general fees shall 51929
be considered to be the average full-time in-state undergraduate 51930
instructional and general fee amount after taking into account 51931
the Ohio resident and Ohio leader scholarships and any other 51932
credit provided to all Ohio residents. 51933

(2) The chancellor of higher education may authorize a 51934
state university or college or a nonpublic Ohio institution of 51935
higher education to award a choose Ohio first scholarship in the 51936
amount of not less than five hundred dollars but not more than 51937
one-half of the highest in-state undergraduate instructional and 51938
general fees charged by all state universities to a student 51939
enrolled in a certificate program designated as an eligible 51940
program by the chancellor. 51941

(3) A student receiving multiple awards under division (A) 51942
of this section may not exceed the maximum permitted amount for 51943
each individual award. 51944

(B) The general assembly intends that money appropriated 51945
for the choose Ohio first scholarship program in each fiscal 51946
year be used for scholarships in the following academic year. 51947

Sec. 3333.70. (A) The ~~director~~chancellor of higher 51948
education shall establish and administer the Ohio higher 51949
education innovation grant program to promote educational 51950
excellence and economic efficiency throughout the state in order 51951
to stabilize or reduce student tuition rates at institutions of 51952
higher education. Under the program, the ~~director~~chancellor 51953
shall award grants to state institutions of higher education, as 51954
defined in section 3345.011 of the Revised Code, and private 51955
nonprofit institutions for innovative projects that incorporate 51956
academic achievement and economic efficiencies. State 51957
institutions of higher education and private nonprofit 51958
institutions may apply for grants and initiate collaboration 51959
with other institutions of higher education, either public or 51960
private, on such projects. 51961

(B) The ~~director~~chancellor shall adopt rules to 51962
administer the program including, but not limited to, 51963
requirements that each grant application provides for all of the 51964
following: 51965

(1) A system by which to measure academic achievement and 51966
reductions in expenditures, both in funding and administration; 51967

(2) Demonstration of how the project will be sustained 51968
beyond the grant period and continue to provide substantial 51969
value and lasting impact; 51970

(3) Proof of commitment from all parties responsible for 51971
the implementation of the project; 51972

(4) Implementation of an ongoing evaluation process and 51973

improvement plans, as necessary. 51974

(C) As used in this section, "private nonprofit 51975
institution" means a nonprofit institution in this state that 51976
has a certificate of authorization pursuant to Chapter 1713. of 51977
the Revised Code. 51978

Sec. 3333.82. (A) The chancellor of higher education shall 51979
establish a clearinghouse of digital texts, interactive distance 51980
learning courses, and other distance learning courses delivered 51981
via a computer-based method offered by school districts, 51982
community schools, STEM schools, state institutions of higher 51983
education, private colleges and universities, and other 51984
nonprofit and for-profit course providers for sharing with other 51985
school districts, community schools, STEM schools, state 51986
institutions of higher education, private colleges and 51987
universities, and individuals for the fee set pursuant to 51988
section 3333.84 of the Revised Code. The chancellor shall not be 51989
responsible for the content of digital texts or courses offered 51990
through the clearinghouse; however, all such digital texts and 51991
courses shall be delivered only in accordance with technical 51992
specifications approved by the chancellor and on a common 51993
statewide platform administered by the chancellor. The 51994
chancellor may provide professional development and training on 51995
the use of the distance learning clearinghouse. 51996

The clearinghouse's distance learning program for students 51997
in grades kindergarten to twelve shall be based on the following 51998
principles: 51999

(1) All Ohio students shall have access to high quality 52000
digital texts and distance learning courses at any point in 52001
their educational careers. 52002

(2) All students shall be able to customize their education using digital texts and distance learning courses offered through the clearinghouse and no student shall be denied access to any digital text or course in the clearinghouse in which the student is eligible to enroll.

(3) Students may take distance learning courses for all or any portion of their curriculum requirements and may utilize a combination of digital texts and distance learning courses and courses taught in a traditional classroom setting.

(4) Students may earn an unlimited number of academic credits through distance learning courses.

(5) Students may take distance learning courses at any time of the calendar year.

(6) Student advancement to higher coursework shall be based on a demonstration of subject area competency instead of completion of any particular number of hours of instruction.

(B) To offer digital texts or a course through the clearinghouse, a provider shall apply to the chancellor in a form and manner prescribed by the chancellor. The application for each digital text or course shall describe the digital text or course of study in as much detail as required by the chancellor, whether an instructor is provided, the qualification and credentials of the instructor, the number of hours of instruction, and any other information required by the chancellor. The chancellor may require course providers to include in their applications information recommended by the state board of education under former section 3353.30 of the Revised Code.

(C) The chancellor shall review the technical

specifications of each application submitted under division (B) 52032
of this section. In reviewing applications, the chancellor may 52033
consult with the department of education and workforce; however, 52034
the responsibility to either approve or not approve a digital 52035
text or course for the clearinghouse belongs to the chancellor. 52036
The chancellor may request additional information from a 52037
provider that submits an application under division (B) of this 52038
section, if the chancellor determines that such information is 52039
necessary. The chancellor may negotiate changes in the proposal 52040
to offer a digital text or course, if the chancellor determines 52041
that changes are necessary in order to approve the digital text 52042
or course. 52043

(D) The chancellor shall catalog each digital text or 52044
course approved for the clearinghouse, through a print or 52045
electronic medium, displaying the following: 52046

(1) Information necessary for a student and the student's 52047
parent, guardian, or custodian and the student's school 52048
district, community school, STEM school, college, or university 52049
to decide whether to enroll in or subscribe to the course; 52050

(2) Instructions for enrolling in that digital text or 52051
course, including deadlines for enrollment. 52052

(E) Any expenses related to the installation of a course 52053
into the common statewide platform shall be borne by the course 52054
provider. 52055

(F) The chancellor may contract with an entity to perform 52056
any or all of the chancellor's duties under sections 3333.81 to 52057
3333.88 of the Revised Code. 52058

Sec. 3333.86. The chancellor of higher education may 52059
determine the manner in which a course included in the 52060

clearinghouse may be offered as an advanced standing program as 52061
defined in section 3313.6013 of the Revised Code, may be offered 52062
to students who are enrolled in nonpublic schools or are 52063
instructed at home pursuant to section ~~3321.04~~ 3321.042 of the 52064
Revised Code, or may be offered at times outside the normal 52065
school day or school week, including any necessary additional 52066
fees and methods of payment for a course so offered. 52067

Sec. 3333.87. The chancellor of higher education and the 52068
~~state board department of education and workforce jointly, and~~ 52069
~~in consultation with the director of the governor's office of~~ 52070
~~21st century education,~~ shall adopt rules in accordance with 52071
Chapter 119. of the Revised Code prescribing procedures for the 52072
implementation of sections 3333.81 to 3333.86 of the Revised 52073
Code. 52074

Sec. 3333.91. The governor's office of workforce 52075
transformation, in collaboration with the chancellor of higher 52076
education, the ~~superintendent of public instruction~~ director of 52077
education and workforce, and the department of job and family 52078
services, shall develop and submit to the appropriate federal 52079
agency a single, state unified plan required under the 52080
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 52081
seq., which shall include the information required for the adult 52082
basic and literacy education program administered by the United 52083
States secretary of education and the "Carl D. Perkins 52084
Vocational and Technical Education Act," 20 U.S.C. 2301, et 52085
seq., as amended. Following the plan's initial submission to the 52086
appropriate federal agency, the governor's office of workforce 52087
transformation may update it as necessary. If the plan is 52088
updated, the governor's office of workforce transformation shall 52089
submit the updated plan to the appropriate federal agency. 52090

Sec. 3335.36. The board of trustees of the Ohio state 52091
university may employ such employees as it considers appropriate 52092
for the conduct of educational programs of OSU extension and may 52093
provide for the payment from the OSU extension fund created by 52094
section 3335.35 of the Revised Code of reasonable compensation 52095
to such employees and of reasonable expenses incurred by them in 52096
the discharge of their duties, including expenses of travel and 52097
of maintaining, equipping, and supplying their offices. 52098

The employees shall cooperate with the department of 52099
agriculture, the Ohio agricultural research and development 52100
center, the department of education and workforce, and the 52101
United States department of agriculture, for the purpose of 52102
making available the educational materials of OSU extension. The 52103
employees shall represent the university and shall conduct 52104
educational activities related to agriculture, natural 52105
resources, community development, family and consumer sciences, 52106
and 4-H programs for the citizens of this state through personal 52107
instruction, bulletins, practical demonstrations, mass media, 52108
and otherwise, subject to such rules as may be prescribed by the 52109
board of trustees of the university. The employees shall have 52110
offices provided by the county or other political subdivision in 52111
which they serve in which bulletins and other educational 52112
materials of value to the people may be consulted and through 52113
which the employees may be reached. 52114

The board of trustees of the Ohio state university may 52115
hire or use employees of OSU extension to carry out the 52116
functions and duties of a director of economic development under 52117
division (B) of section 307.07 of the Revised Code pursuant to 52118
any agreement with a county under division (A) (2) of section 52119
307.07 of the Revised Code. 52120

Sec. 3335.61. There is hereby created a brain injury 52121
advisory committee, which shall advise the brain injury program 52122
with regard to unmet needs of survivors of brain injury, 52123
development of programs for survivors and their families, 52124
establishment of training programs for health care 52125
professionals, and any other matter within the province of the 52126
brain injury program. The committee shall consist of not fewer 52127
than nineteen and not more than twenty-one members as follows: 52128

(A) Not fewer than ten and not more than twelve members 52129
appointed by the dean of the college of medicine of the Ohio 52130
state university, including all of the following: a survivor of 52131
brain injury, a relative of a survivor of brain injury, a 52132
licensed physician recommended by the Ohio chapter of the 52133
American college of emergency physicians, a licensed physician 52134
recommended by the Ohio state medical association, one other 52135
health care professional, a rehabilitation professional, an 52136
individual who represents the brain injury association of Ohio, 52137
and not fewer than three nor more than five individuals who 52138
shall represent the public; 52139

(B) The directors of the departments of health, mental 52140
health and drug addiction services, developmental disabilities, 52141
aging, and public safety; the medicaid director; the 52142
administrator of workers' compensation; the ~~superintendent of~~ 52143
~~public instruction~~ director of education and workforce; and the 52144
executive director of the opportunities for Ohioans with 52145
disabilities agency. Any of the officials specified in this 52146
division may designate an individual to serve in the official's 52147
place as a member of the committee. 52148

Terms of office of the appointed members shall be two 52149
years. Members may be reappointed. Vacancies shall be filled in 52150

the manner provided for original appointments. Any member 52151
appointed to fill a vacancy occurring prior to the expiration 52152
date of the term for which the member's predecessor was 52153
appointed shall hold office as a member for the remainder of 52154
that term. 52155

Members of the committee shall serve without compensation, 52156
but shall be reimbursed for actual and necessary expenses 52157
incurred in the performance of their duties. 52158

Sec. 3343.05. The board of trustees of Central state 52159
university shall take, keep, and maintain exclusive authority, 52160
direction, supervision, and control over the operations and 52161
conduct of such university, so as to assure for said university 52162
the best attainable results with the aid secured to it from the 52163
state. 52164

The board shall provide courses of study in accordance 52165
with the standards of the department of education and workforce, 52166
and create, establish, provide for, and maintain such 52167
industrial, vocational, agricultural, home economics, 52168
commercial, business administration, technical, and collegiate 52169
subjects leading to the bachelors degree in arts and sciences. 52170
The board may provide for other courses and degrees. 52171

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 52172
section, a graduate of the twelfth grade shall be entitled to 52173
admission without examination to any college or university which 52174
is supported wholly or in part by the state, but for 52175
unconditional admission may be required to complete such units 52176
not included in the graduate's high school course as may be 52177
prescribed, not less than two years prior to the graduate's 52178
entrance, by the faculty of the institution. 52179

(B) Beginning with the 2014-2015 academic year, each state university listed in section 3345.011 of the Revised Code, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the requirements for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies:

(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The university shall grant credit for successful completion of those courses pursuant to any applicable articulation and transfer policy of the chancellor of higher education or any agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. The university may count college credit that the student earned while in high school through the college credit plus program under Chapter 3365. of the Revised Code, or through other advanced standing programs, toward the requirements of division (B) (1) of this section if the credit may be applied toward a degree.

(2) The person qualified to graduate from high school under division (D) or (F) of section 3313.603 of the Revised Code and has successfully completed the topics or courses that the person lacked to graduate under division (C) of that section

at any post-secondary institution or at a summer program at the 52211
state university. A state university may admit a person for 52212
enrollment contingent upon completion of such topics or courses 52213
or summer program. 52214

(3) The person met the high school graduation requirements 52215
by successfully completing the person's individualized education 52216
program developed under section 3323.08 of the Revised Code. 52217

(4) The person is receiving or has completed the final 52218
year of instruction at home as authorized under section ~~3321.04~~ 52219
3321.042 of the Revised Code, or has graduated from a 52220
nonchartered, nonpublic school in Ohio, and demonstrates mastery 52221
of the academic content and skills in reading, writing, and 52222
mathematics needed to successfully complete introductory level 52223
coursework at an institution of higher education and to avoid 52224
remedial coursework. 52225

(5) The person is a high school student participating in 52226
the college credit plus program under Chapter 3365. of the 52227
Revised Code or another advanced standing program. 52228

(C) A state university subject to division (B) of this 52229
section may delay admission for or admit conditionally an 52230
undergraduate student who has successfully completed the 52231
requirements prescribed in division (C) of section 3313.603 of 52232
the Revised Code if the university determines the student 52233
requires academic remedial or developmental coursework. The 52234
university may delay admission pending, or make admission 52235
conditional upon, the student's successful completion of the 52236
academic remedial or developmental coursework at a university 52237
branch, community college, state community college, or technical 52238
college. 52239

(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent.

Sec. 3345.061. (A) Ohio's two-year institutions of higher education are respected points of entry for students embarking on post-secondary careers and courses completed at those institutions are transferable to state universities in accordance with articulation and transfer agreements developed under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(B) Beginning with undergraduate students who commence undergraduate studies in the 2014-2015 academic year, no state university listed in section 3345.011 of the Revised Code, except Central state university, Shawnee state university, and Youngstown state university, shall receive any state operating subsidies for any academic remedial or developmental courses for undergraduate students, including courses prescribed in division (C) of section 3313.603 of the Revised Code, offered at its main campus, except as provided in divisions (B) (1) to (4) of this section.

(1) In the 2014-2015 and 2015-2016 academic years, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than three per cent of the total undergraduate credit hours provided by the university at its main campus.

(2) In the 2016-2017 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than fifteen per cent of the first-year students who have

graduated from high school within the previous twelve months and 52270
who are enrolled in the university at its main campus, as 52271
calculated on a full-time-equivalent basis. 52272

(3) In the 2017-2018 academic year, a state university may 52273
receive state operating subsidies for academic remedial or 52274
developmental courses completed at the main campus for not more 52275
than ten per cent of the first-year students who have graduated 52276
from high school within the previous twelve months and who are 52277
enrolled in the university at its main campus, as calculated on 52278
a full-time-equivalent basis. 52279

(4) In the 2018-2019 academic year, a state university may 52280
receive state operating subsidies for academic remedial or 52281
developmental courses completed at the main campus for not more 52282
than five per cent of the first-year students who have graduated 52283
from high school within the previous twelve months and who are 52284
enrolled in the university at its main campus, as calculated on 52285
a full-time-equivalent basis. 52286

Each state university may continue to offer academic 52287
remedial and developmental courses at its main campus beyond the 52288
extent for which state operating subsidies may be paid under 52289
this division and may continue to offer such courses beyond the 52290
2018-2019 academic year. However, the main campus of a state 52291
university shall not receive any state operating subsidies for 52292
such courses above the maximum amounts permitted in this 52293
division. 52294

(C) Except as otherwise provided in division (B) of this 52295
section, beginning with students who commence undergraduate 52296
studies in the 2014-2015 academic year, state operating 52297
subsidies for academic remedial or developmental courses offered 52298
by state institutions of higher education may be paid only to 52299

Central state university, Shawnee state university, Youngstown
state university, any university branch, any community college,
any state community college, or any technical college.

(D) Each state university shall grant credit for academic
remedial or developmental courses successfully completed at an
institution described in division (C) of this section pursuant
to any applicable articulation and transfer agreements the
university has entered into in accordance with policies and
procedures adopted under section 3333.16, 3333.161, or 3333.162
of the Revised Code.

(E) The chancellor of higher education shall do all of the
following:

(1) Withhold state operating subsidies for academic
remedial or developmental courses provided by a main campus of a
state university as required in order to conform to divisions
(B) and (C) of this section;

(2) Adopt uniform statewide standards for academic
remedial and developmental courses offered by all state
institutions of higher education;

(3) Encourage and assist in the design and establishment
of academic remedial and developmental courses by institutions
of higher education;

(4) Define "academic year" for purposes of this section
and section 3345.06 of the Revised Code;

(5) Encourage and assist in the development of
articulation and transfer agreements between state universities
and other institutions of higher education in accordance with
policies and procedures adopted under sections 3333.16,
3333.161, and 3333.162 of the Revised Code.

(F) Not later than December 31, 2012, the presidents, or
equivalent position, of all state institutions of higher
education, or their designees, jointly shall establish uniform
statewide standards in mathematics, science, reading, and
writing each student enrolled in a state institution of higher
education must meet to be considered in remediation-free status.
The presidents also shall establish assessments, if they deem
necessary, to determine if a student meets the standards adopted
under this division. Each institution is responsible for
assessing the needs of its enrolled students in the manner
adopted by the presidents. The board of trustees or managing
authority of each state institution of higher education shall
adopt the remediation-free status standard, and any related
assessments, into the institution's policies.

The chancellor shall assist in coordinating the work of
the presidents under this division. The chancellor shall monitor
the standards in mathematics, science, reading, and writing
established under division (F) of this section to ensure that
the standards adequately demonstrate a student's remediation-
free status.

(G) Each year, not later than a date established by the
chancellor, each state institution of higher education shall
report to the governor, the general assembly, the chancellor,
and the ~~superintendent of public instruction department of~~
education and workforce all of the following for the prior
academic year:

(1) The institution's aggregate costs for providing
academic remedial or developmental courses;

(2) The amount of those costs disaggregated according to
the city, local, or exempted village school districts from which

the students taking those courses received their high school diplomas; 52359
52360

(3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate. 52361
52362
52363

(H) ~~Not Annually, not later than December 31, 2011, and~~ 52364
the thirty-first day of each December thereafter, the chancellor 52365
and the ~~superintendent of public instruction department of~~ 52366
education and workforce shall issue a report recommending 52367
policies and strategies for reducing the need for academic 52368
remediation and developmental courses at state institutions of 52369
higher education. 52370

(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 52371
52372
52373

Sec. 3345.062. (A) ~~Not Annually, not later than December~~ 52374
~~31, 2017, and each the~~ thirty-first day of December thereafter, 52375
the president, or equivalent position, of each state university 52376
shall issue a report regarding the remediation of students that 52377
includes all of the following: 52378

(1) The number of enrolled students that require remedial education; 52379
52380

(2) The cost of remedial coursework the state university provides; 52381
52382

(3) The specific areas of remediation provided by the state university; 52383
52384

(4) Causes for remediation. 52385

(B) Each president, or equivalent, shall present the 52386

findings of the report to the state university's board of 52387
trustees and shall submit a copy of the report to the chancellor 52388
of higher education and the ~~superintendent of public~~ 52389
~~instruction~~ department of education and workforce. 52390

(C) As used in this section, "state university" has the 52391
same meaning as in section 3345.011 of the Revised Code. 52392

Sec. 3345.86. (A) As used in this section, an "eligible 52393
institution" means a community college established under Chapter 52394
3354. of the Revised Code, a university branch established under 52395
Chapter 3355. of the Revised Code, a technical college 52396
established under Chapter 3357. of the Revised Code, or a state 52397
community college established under Chapter 3358. of the Revised 52398
Code. 52399

(B) An individual who is at least twenty-two years of age 52400
and who is an eligible individual as defined in section 3317.23 52401
of the Revised Code may enroll in an eligible institution for up 52402
to two consecutive school years for the purpose of completing 52403
the requirements to earn a high school diploma. An individual 52404
enrolled under this division may elect to satisfy these 52405
requirements by successfully completing a competency-based 52406
educational program, as defined in section 3317.02 of the 52407
Revised Code, that complies with the standards adopted by the 52408
department of education and workforce under section 3317.231 of 52409
the Revised Code. 52410

The eligible institution in which the individual enrolls 52411
shall report that individual's enrollment on a full-time 52412
equivalency basis to the department. 52413

(C) (1) For each eligible institution that enrolls 52414
individuals under division (B) of this section, the department 52415

annually shall certify the enrollment and attendance, on a full- 52416
time equivalency basis, of each individual reported by the 52417
institution under that division. 52418

(2) For each individual enrolled in an eligible 52419
institution under division (B) of this section, the department 52420
annually shall pay the institution up to \$5,000, as determined 52421
by the department based on the extent of the individual's 52422
successful completion of the graduation requirements prescribed 52423
under sections 3313.603, 3313.61, 3313.611, and 3313.614 of the 52424
Revised Code. 52425

(D) If an individual enrolled in an eligible institution 52426
under division (B) of this section completes the requirements to 52427
earn a high school diploma, the institution shall certify the 52428
completion of those requirements to the city, local, or exempted 52429
village school district in which the individual resides. Upon 52430
receiving certification under this division, the city, local, or 52431
exempted village school district in which the individual resides 52432
shall issue a high school diploma to the individual within sixty 52433
days of receipt of the certification. 52434

(E) An eligible institution that enrolls individuals under 52435
division (B) of this section shall be subject to the program 52436
administration standards adopted by the department under section 52437
3317.231 of the Revised Code, as applicable. 52438

Sec. 3353.02. (A) There is hereby created the broadcast 52439
educational media commission as an independent agency to advance 52440
education and accelerate the learning of the citizens of this 52441
state through public educational broadcasting services. The 52442
commission shall provide leadership and support in extending the 52443
knowledge of the citizens of this state by promoting access to 52444
and use of educational broadcasting services, including 52445

educational television and radio and radio reading services. The 52446
commission also shall administer programs to provide financial 52447
and other assistance to educational television and radio and 52448
radio reading services. 52449

The commission is a body corporate and politic, an agency 52450
of the state performing essential governmental functions of the 52451
state. 52452

(B) The commission shall consist of fifteen members, 52453
eleven of whom shall be voting members. Nine of the voting 52454
members shall be representatives of the public selected from 52455
among leading citizens in the state who have demonstrated 52456
interest in educational broadcast media through service on 52457
boards or advisory councils of educational television stations, 52458
educational radio stations, educational technology agencies, or 52459
radio reading services. Of the representatives of the public, 52460
three shall be appointed by the governor with the advice and 52461
consent of the senate, three shall be appointed by the speaker 52462
of the house of representatives, and three shall be appointed by 52463
the president of the senate. Not more than two members appointed 52464
by the speaker of the house of representatives and not more than 52465
two members appointed by the president of the senate shall be of 52466
the same political party. The ~~superintendent-director of public-~~ 52467
~~instruction-education and workforce~~ or a designee of the 52468
~~superintendent-director~~ and the chancellor of the ~~Ohio board of-~~ 52469
~~regents-higher education~~ or a designee of the chancellor shall 52470
be ex officio voting members. Of the nonvoting members, two 52471
shall be members of the house of representatives appointed by 52472
the speaker of the house of representatives and two shall be 52473
members of the senate appointed by the president of the senate. 52474
The members appointed from each chamber shall not be members of 52475
the same political party. 52476

(C) Initial terms of office for appointed voting members shall be as follows:	52477 52478
(1) For one member appointed by each of the governor, speaker of the house of representatives, and president of the senate, one year;	52479 52480 52481
(2) For one member appointed by each of the governor, speaker of the house of representatives, and president of the senate, two years;	52482 52483 52484
(3) For one member appointed by each of the governor, speaker of the house of representatives, and president of the senate, three years. At the first meeting of the commission, such members shall draw lots to determine the length of the term each member will serve. Thereafter, terms of office for such members shall be for four years. Any member who is a representative of the public may be reappointed by the member's respective appointing authority, but no such member may serve more than two consecutive four-year terms. Such a member may be removed by the member's respective appointing authority for cause.	52485 52486 52487 52488 52489 52490 52491 52492 52493 52494 52495
Any legislative member appointed by the speaker of the house of representatives or the president of the senate who ceases to be a member of the legislative chamber from which the member was appointed shall cease to be a member of the commission. The speaker of the house of representatives and the president of the senate may remove their respective appointments to the commission at any time.	52496 52497 52498 52499 52500 52501 52502
(D) Vacancies among appointed members shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of	52503 52504 52505

the term for which the member's predecessor was appointed shall 52506
hold office for the remainder of that term. Any appointed member 52507
shall continue in office subsequent to the expiration of that 52508
member's term until the member's successor takes office or until 52509
a period of sixty days has elapsed, whichever occurs first. 52510

(E) Members of the commission shall serve without 52511
compensation. The members who are representatives of the public 52512
shall be reimbursed, pursuant to office of budget and management 52513
guidelines, for actual and necessary expenses incurred in the 52514
performance of official duties. 52515

(F) The governor shall appoint the chairperson of the 52516
commission from among the commission's public voting members. 52517
The chairperson shall serve a term of two years and may be 52518
reappointed. The commission shall elect other officers as 52519
necessary from among its voting members and shall prescribe its 52520
rules of procedure. 52521

Sec. 3365.01. As used in this chapter: 52522

(A) "Articulated credit" means post-secondary credit that 52523
is reflected on the official record of a student at an 52524
institution of higher education only upon enrollment at that 52525
institution after graduation from a secondary school. 52526

(B) "Default ceiling amount" means one of the following 52527
amounts, whichever is applicable: 52528

(1) For a participant enrolled in a college operating on a 52529
semester schedule, the amount calculated according to the 52530
following formula: 52531

$((0.83 \times \text{formula amount}) / 30)$ 52532

X number of enrolled credit hours 52533

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	52534 52535 52536
$((0.83 \times \text{formula amount}) / 45)$	52537
X number of enrolled credit hours	52538
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	52539 52540
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program.	52541 52542 52543 52544
(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	52545 52546 52547
(F) "Formula amount" means \$6,020.	52548
(G) "Governing entity" means any of the following:	52549
(1) A board of education of a school district;	52550
(2) A governing authority of a community school established under Chapter 3314. of the Revised Code;	52551 52552
(3) A governing body of a STEM school established under Chapter 3326. of the Revised Code;	52553 52554
(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	52555 52556
(5) When referring to the state school for the deaf or the state school for the blind, the state board of education department of education and workforce;	52557 52558 52559

(6) When referring to an institution operated by the department of youth services, the superintendent of that institution. 52560
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52562

(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home ~~instruction-education~~ under section ~~3321.04-3321.042~~ of the Revised Code, and is participating in the program established by this chapter. 52563
52564
52565
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52567

(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable: 52568
52569

(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula: 52570
52571
52572

((formula amount / 30) 52573

X number of enrolled credit hours) 52574

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula: 52575
52576
52577

((formula amount / 45) 52578

X number of enrolled credit hours) 52579

(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the ~~state board-~~ director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code. 52580
52581
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52583

(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal 52584
52585
52586

from a course would have negatively affected the participant's 52587
transcripted grade, as prescribed by the college's established 52588
withdrawal policy. 52589

(L) "Parent" has the same meaning as in section 3313.64 of 52590
the Revised Code. 52591

(M) "Participant" means any student enrolled in a college 52592
under the program established by this chapter. 52593

(N) "Partnering college" means a college with which a 52594
public or nonpublic secondary school has entered into an 52595
agreement in order to offer the program established by this 52596
chapter. 52597

(O) "Partnering secondary school" means a public or 52598
nonpublic secondary school with which a college has entered into 52599
an agreement in order to offer the program established by this 52600
chapter. 52601

(P) "Private college" means any of the following: 52602

(1) A nonprofit institution holding a certificate of 52603
authorization pursuant to Chapter 1713. of the Revised Code; 52604

(2) An institution holding a certificate of registration 52605
from the state board of career colleges and schools and program 52606
authorization for an associate or bachelor's degree program 52607
issued under section 3332.05 of the Revised Code; 52608

(3) A private institution exempt from regulation under 52609
Chapter 3332. of the Revised Code as prescribed in section 52610
3333.046 of the Revised Code. 52611

(Q) "Public college" means a "state institution of higher 52612
education" in section 3345.011 of the Revised Code, excluding 52613
the northeast Ohio medical university. 52614

(R) "Public secondary school" means a school serving 52615
grades nine through twelve in a city, local, or exempted village 52616
school district, a joint vocational school district, a community 52617
school established under Chapter 3314. of the Revised Code, a 52618
STEM school established under Chapter 3326. of the Revised Code, 52619
a college-preparatory boarding school established under Chapter 52620
3328. of the Revised Code, the state school for the deaf, the 52621
state school for the blind, or an institution operated by the 52622
department of youth services. 52623

(S) "School year" has the same meaning as in section 52624
3313.62 of the Revised Code. 52625

(T) "Secondary grade" means any of grades nine through 52626
twelve. 52627

(U) "Standard rate" means the amount per credit hour 52628
assessed by the college for an in-state student who is enrolled 52629
in an undergraduate course at that college, but who is not 52630
participating in the college credit plus program, as prescribed 52631
by the college's established tuition policy. 52632

(V) "Transcripted credit" means post-secondary credit that 52633
is conferred by an institution of higher education and is 52634
reflected on a student's official record at that institution 52635
upon completion of a course. 52636

Sec. 3365.02. (A) There is hereby established the college 52637
credit plus program under which, beginning with the 2015-2016 52638
school year, a secondary grade student who is a resident of this 52639
state may enroll at a college, on a full- or part-time basis, 52640
and complete nonsectarian, nonremedial courses for high school 52641
and college credit. The program shall govern arrangements in 52642
which a secondary grade student enrolls in a college and, upon 52643

successful completion of coursework taken under the program, 52644
receives transcribed credit from the college. The following are 52645
not governed by the college credit plus program: 52646

(1) An agreement governing an early college high school 52647
program, provided the program meets the definition set forth in 52648
division (F) (2) of section 3313.6013 of the Revised Code and is 52649
approved by the ~~superintendent of public instruction~~ department 52650
of education and workforce and the chancellor of higher 52651
education; 52652

(2) An advanced placement course or international 52653
baccalaureate diploma course, as described in divisions (A) (2) 52654
and (3) of section 3313.6013 of the Revised Code; 52655

(3) A career-technical education program that is approved 52656
by the ~~department of education~~ under section 3317.161 of the 52657
Revised Code and grants articulated credit to students 52658
participating in that program. However, any portion of an 52659
approved program that results in the conferral of transcribed 52660
credit upon the completion of the course shall be governed by 52661
the college credit plus program. 52662

(B) Any student enrolled in a public or nonpublic 52663
secondary school in the student's ninth, tenth, eleventh, or 52664
twelfth grade; any student enrolled in a nonchartered nonpublic 52665
secondary school in the student's ninth, tenth, eleventh, or 52666
twelfth grade; and any student who has been excused from the 52667
compulsory attendance law for the purpose of home ~~instruction~~ 52668
education under section ~~3321.04~~ 3321.042 of the Revised Code and 52669
is the equivalent of a ninth, tenth, eleventh, or twelfth grade 52670
student, may participate in the program, if the student meets 52671
the applicable eligibility criteria in section 3365.03 of the 52672
Revised Code. If a nonchartered nonpublic secondary school 52673

student chooses to participate in the program, that student 52674
shall be subject to the same requirements as a home-instructed 52675
student who chooses to participate in the program under this 52676
chapter. 52677

(C) All public secondary schools and all public colleges 52678
shall participate in the program and are subject to the 52679
requirements of this chapter. Any nonpublic secondary school or 52680
private college that chooses to participate in the program shall 52681
also be subject to the requirements of this chapter. 52682

(D) The chancellor, in accordance with Chapter 119. of the 52683
Revised Code and in consultation with the ~~state superintendent~~ 52684
department, shall adopt rules governing the program. 52685

Sec. 3365.03. (A) A student enrolled in a public or 52686
nonpublic secondary school during the student's ninth, tenth, 52687
eleventh, or twelfth grade school year; a student enrolled in a 52688
nonchartered nonpublic secondary school in the student's ninth, 52689
tenth, eleventh, or twelfth grade school year; or a student who 52690
has been excused from the compulsory attendance law for the 52691
purpose of home ~~instruction~~ education under section 52692
~~3321.04~~3321.042 of the Revised Code and is the equivalent of a 52693
ninth, tenth, eleventh, or twelfth grade student, may apply to 52694
and enroll in a college under the college credit plus program. 52695

(1) In order for a public secondary school student to 52696
participate in the program, all of the following criteria shall 52697
be met: 52698

(a) The student or the student's parent shall inform the 52699
principal, or equivalent, of the student's school by the first 52700
day of April of the student's intent to participate in the 52701
program during the following school year. Any student who fails 52702

to provide the notification by the required date may not 52703
participate in the program during the following school year 52704
without the written consent of the principal, or equivalent. If 52705
a student seeks consent from the principal after failing to 52706
provide notification by the required date, the principal shall 52707
notify the department of education and workforce of the 52708
student's intent to participate within ten days of the date on 52709
which the student seeks consent. If the principal does not 52710
provide written consent, the student may appeal the principal's 52711
decision to the governing entity of the school, except for a 52712
student who is enrolled in a school district, who may appeal the 52713
decision to the district superintendent. Not later than thirty 52714
days after the notification of the appeal, the district 52715
superintendent or governing entity shall hear the appeal and 52716
shall make a decision to either grant or deny that student's 52717
participation in the program. The decision of the district 52718
superintendent or governing entity shall be final. 52719

(b) The student shall: 52720

(i) Apply to a public or a participating private college, 52721
or an eligible out-of-state college participating in the 52722
program, in accordance with the college's established procedures 52723
for admission, pursuant to section 3365.05 of the Revised Code; 52724

(ii) As a condition of eligibility, satisfy one of the 52725
following criteria: 52726

(I) Be remediation-free, in accordance with one of the 52727
assessments established under division (F) of section 3345.061 52728
of the Revised Code; 52729

(II) Meet an alternative remediation-free eligibility 52730
option, as defined by the chancellor of higher education, in 52731

consultation with the ~~superintendent of public instruction~~
department, in rules adopted under this section; 52732
52733

(III) Have participated in the program prior to ~~the~~
~~effective date of this amendment~~ September 30, 2021, and 52734
52735
qualified to participate in the program by scoring within one 52736
standard error of measurement below the remediation-free 52737
threshold for one of the assessments established under division 52738
(F) of section 3345.061 of the Revised Code and satisfying one 52739
of the conditions specified under division (A) (1) (b) (ii) (I) or 52740
(II) of this section as those divisions existed prior to ~~the~~
~~effective date of this amendment~~ September 30, 2021. 52741
52742

(iii) Meet the college's and relevant academic program's 52743
established standards for admission, enrollment, and course 52744
placement, including course-specific capacity limitations, 52745
pursuant to section 3365.05 of the Revised Code. 52746

(c) The student shall elect at the time of enrollment to 52747
participate under either division (A) or (B) of section 3365.06 52748
of the Revised Code for each course under the program. 52749

(d) The student and the student's parent shall sign a 52750
form, provided by the school, stating that they have received 52751
the counseling required under division (B) of section 3365.04 of 52752
the Revised Code and that they understand the responsibilities 52753
they must assume in the program. 52754

(2) In order for a nonpublic secondary school student, a 52755
nonchartered nonpublic secondary school student, or a home- 52756
instructed student to participate in the program, both of the 52757
following criteria shall be met: 52758

(a) The student shall meet the criteria in divisions (A) 52759
(1) (b) and (c) of this section. 52760

(b) (i) If the student is enrolled in a nonpublic secondary school, that student shall send to the ~~department of education~~ a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the ~~state board of education~~ department and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt.

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:

(1) No public secondary school shall prohibit a student enrolled in that school from participating in the program if that student meets all of the criteria in division (A) (1) of this section.

(2) No participating nonpublic secondary school shall prohibit a student enrolled in that school from participating in the program if the student meets all of the criteria in division (A) (2) of this section and, if the student is enrolled under division (B) of section 3365.06 of the Revised Code, the student is awarded funding from the department in accordance with rules adopted by the chancellor, in consultation with the ~~superintendent of public instruction~~ department, pursuant to section 3365.071 of the Revised Code.

(C) For purposes of this section, during the period of an expulsion imposed by a public secondary school, a student is ineligible to apply to enroll in a college under this section, unless the student is admitted to another public secondary or participating nonpublic secondary school. If a student is enrolled in a college under this section at the time the student is expelled, the student's status for the remainder of the college term in which the expulsion is imposed shall be determined under section 3365.032 of the Revised Code.

(D) Upon a student's graduation from high school, participation in the college credit plus program shall not affect the student's eligibility at any public college for scholarships or for other benefits or opportunities that are available to first-time college students and are awarded by that college, regardless of the number of credit hours that the student completed under the program.

(E) The college to which a student applies to participate under this section shall pay for one assessment used to determine that student's eligibility under this section. However, notwithstanding anything to the contrary in Chapter 3365. of the Revised Code, any additional assessments used to determine the student's eligibility shall be the financial responsibility of the student.

Sec. 3365.032. (A) For purposes of this section:

(1) The "expulsion of a student" or "expelling a student" means the following:

(a) For a public secondary school that is a school operated by a city, local, exempted village, or joint vocational school district, community school established under Chapter

3314. of the Revised Code, or STEM school established under 52820
Chapter 3326. of the Revised Code, the expulsion of a student or 52821
the act of expelling a student under division (B) of section 52822
3313.66 of the Revised Code; 52823

(b) For a public secondary school that is a college- 52824
preparatory boarding school, the expulsion of a student or the 52825
act of expelling a student in accordance with the school's 52826
bylaws adopted pursuant to section 3328.13 of the Revised Code; 52827

(c) For a public secondary school that is the state school 52828
for the deaf or the state school for the blind, the expulsion of 52829
a student or the act of expelling a student in accordance with 52830
rules adopted by the ~~state board~~ department of education and 52831
workforce. 52832

(2) A "policy to deny high school credit for courses taken 52833
under the college credit plus program during an expulsion" means 52834
the following: 52835

(a) For a public secondary school that is a school 52836
operated by a city, local, exempted village, or joint vocational 52837
school district, community school established under Chapter 52838
3314. of the Revised Code, or STEM school established under 52839
Chapter 3326. of the Revised Code, a policy adopted under 52840
section 3313.613 of the Revised Code; 52841

(b) For a college-preparatory boarding school established 52842
under Chapter 3328. of the Revised Code, a policy adopted in 52843
accordance with the school's bylaws adopted pursuant to section 52844
3328.13 of the Revised Code; 52845

(c) For the state school for the deaf or the state school 52846
for the blind, a policy adopted in accordance with any rules 52847
adopted by the ~~state board~~ department requiring such a policy. 52848

(B) When a public secondary school expels a student, the superintendent, or equivalent, shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the school has adopted a policy to deny high school credit for courses taken under the college credit plus program during an expulsion. If the expulsion is extended, the superintendent, or equivalent, shall notify the college of the extension.

(C) A college may withdraw its acceptance under section 3365.03 of the Revised Code of a student who is expelled from school. As provided in section 3365.03 of the Revised Code, regardless of whether the college withdraws its acceptance of the student for the college term in which the student is expelled, the student is ineligible to enroll in a college under that section for subsequent college terms during the period of the expulsion, unless the student enrolls in another public school or a participating nonpublic school during that period.

If a college withdraws its acceptance of an expelled student who elected either option of division (A) (1) or (2) of section 3365.06 of the Revised Code, the college shall refund tuition and fees paid by the student in the same proportion that it refunds tuition and fees to students who voluntarily withdraw from the college at the same time in the term.

If a college withdraws its acceptance of an expelled student who elected the option of division (B) of section 3365.06 of the Revised Code, the public school shall not award high school credit for the college courses in which the student

was enrolled at the time the college withdrew its acceptance, 52879
and any reimbursement under section 3365.07 of the Revised Code 52880
for the student's attendance prior to the withdrawal shall be 52881
the same as would be paid for a student who voluntarily withdrew 52882
from the college at the same time in the term. If the withdrawal 52883
results in the college's receiving no reimbursement, the college 52884
or secondary school may require the student to return or pay for 52885
any textbooks and materials it provided the student free of 52886
charge. 52887

(D) When a student who elected the option of division (B) 52888
of section 3365.06 of the Revised Code is expelled from a public 52889
school that has adopted a policy to deny high school credit for 52890
courses taken under the college credit plus program during an 52891
expulsion, that election is automatically revoked for all 52892
college courses in which the student is enrolled during the 52893
college term in which the expulsion is imposed. Any 52894
reimbursement under section 3365.07 of the Revised Code for the 52895
student's attendance prior to the expulsion shall be the same as 52896
would be paid for a student who voluntarily withdrew from the 52897
college at the same time in the term. If the revocation results 52898
in the college's receiving no reimbursement, the college or 52899
secondary school may require the student to return or pay for 52900
any textbooks and materials it provided the student free of 52901
charge. 52902

Not later than five days after receiving an expulsion 52903
notice from the superintendent, or equivalent, of a public 52904
school that has adopted a policy to deny high school credit for 52905
courses taken under the college credit plus program during an 52906
expulsion, the college shall send a written notice to the 52907
expelled student that the student's election of division (B) of 52908
section 3365.06 of the Revised Code is revoked. If the college 52909

elects not to withdraw its acceptance of the student, the 52910
student shall pay all applicable tuition and fees for the 52911
college courses and shall pay for any textbooks and materials 52912
that the college or secondary school provided to the student. 52913

Sec. 3365.033. (A) Notwithstanding anything to the 52914
contrary in Chapter 3365. of the Revised Code, any student 52915
enrolled in a public or nonpublic secondary school in the 52916
student's seventh or eighth grade; any student enrolled in a 52917
nonchartered nonpublic secondary school in the student's seventh 52918
or eighth grade; and any student who has been excused from the 52919
compulsory attendance law for the purpose of home ~~instruction~~ 52920
education under section ~~3321.04~~3321.042 of the Revised Code and 52921
is the equivalent of a seventh or eighth grade student, may 52922
participate in the college credit plus program, if the student 52923
meets the applicable eligibility criteria required of secondary 52924
grade students for participation. Participants under this 52925
section shall be subject to the same requirements as secondary 52926
grade participants under this chapter. 52927

(B) Participants under this section shall receive high 52928
school and college credit for courses taken under the program, 52929
in accordance with the option elected under section 3365.06 of 52930
the Revised Code. High school credit earned under the program 52931
shall be awarded in the same manner as for secondary grade 52932
participants. 52933

(C) If a participant under this section elects to have the 52934
college reimbursed under section 3365.07 of the Revised Code for 52935
courses taken under the program, the department shall reimburse 52936
the college in the same manner as for secondary grade 52937
participants in accordance with that section. 52938

(D) Notwithstanding section 3327.01 of the Revised Code, 52939

the parent or guardian of a participant under this section shall 52940
be responsible for any transportation for the participant 52941
related to participation in the program. 52942

Sec. 3365.034. (A) Notwithstanding anything to the 52943
contrary in the Revised Code, a student who is eligible to 52944
participate in the college credit plus program under section 52945
3365.03 or 3365.033 of the Revised Code may participate in the 52946
program during the summer term of a public or participating 52947
private college or an eligible out-of-state college 52948
participating in the program. 52949

Unless otherwise specified, if a student participates in 52950
the college credit plus program under this section, all 52951
requirements of the program shall apply. 52952

(B) (1) In order for a public secondary school student to 52953
participate under this section, the student shall meet the 52954
criteria in division (A) (1) of section 3365.03 of the Revised 52955
Code, except that the student or the student's parent shall 52956
inform the principal, or equivalent, of the student's school by 52957
the date designated by rule of the chancellor of higher 52958
education, pursuant to division (E) of this section, of the 52959
student's intent to participate in the program during the summer 52960
term. 52961

(2) In order for a nonpublic secondary school student, a 52962
nonchartered nonpublic secondary school student, or a home- 52963
instructed student to participate under this section, the 52964
student shall meet the applicable criteria in division (A) (2) of 52965
section 3365.03 of the Revised Code, except that the parent or 52966
guardian of a nonchartered nonpublic secondary school student or 52967
a home-instructed student shall notify the department of 52968
education and workforce by the date designated by rule of the 52969

chancellor of higher education, pursuant to division (E) of this section, of the student's intent to participate in the program during the summer term.

(C) If a participant under this section elects to have the college reimbursed under section 3365.07 of the Revised Code for courses taken under the program, the department shall reimburse the college in the same manner as for students who participate during the school year in accordance with that section, except that the department shall make the applicable payments each September, or as soon as possible thereafter.

(D) Notwithstanding section 3327.01 of the Revised Code, the participant or the participant's parent or guardian shall be responsible for any transportation related to participation in the program during the summer term.

(E) The chancellor of higher education, in accordance with Chapter 119. of the Revised Code and in consultation with the ~~superintendent of public instruction~~ department of education and workforce, shall adopt rules for the administration of this section. The rules shall include the dates by which the student or student's parent must provide notification of the student's intent to participate in the program during the summer term.

Sec. 3365.035. (A) As used in this section, "mature subject matter" means any course subject matter or material of a graphic, explicit, violent, or sexual nature.

(B) The department of education and workforce and the department of higher education shall jointly develop a permission slip regarding the potential for mature subject matter in a course taken through the college credit plus program. The departments shall post the permission slip in a

prominent place on their college credit plus program web sites. 52999

(C) For a student enrolled in a public, chartered 53000
nonpublic, or nonchartered nonpublic school or a home-instructed 53001
student to enroll in any college course under the college credit 53002
plus program, the parent of the student and the student shall 53003
sign and include the permission slip described in division (B) 53004
of this section within the student's application to the public 53005
college, participating private college, or eligible out-of-state 53006
college in which the student wishes to enroll. 53007

(D) Each public and participating private college and 53008
eligible out-of-state college participating in the program, upon 53009
admitting a student under the program, shall include in the 53010
college's enrollment materials the following: 53011

(1) A questionnaire for students, developed by the 53012
college, to answer in the affirmative acknowledging that the 53013
student possesses the necessary social and emotional maturity 53014
and is ready to accept the responsibility and independence that 53015
a college classroom demands and to resubmit to the college; 53016

(2) Guidance on reviewing any course materials available 53017
prior to enrolling in a course; 53018

(3) Information about the college's and the program's 53019
policies on withdrawing from or dropping a course; 53020

(4) Information about the student's right to speak with 53021
the student's high school counselor or with the academic advisor 53022
assigned to the student as prescribed in division (F) of section 53023
3365.05 of the Revised Code. 53024

(E) Each public and participating private college and 53025
eligible out-of-state college participating in the program shall 53026
include a discussion at student orientation about the potential 53027

for mature subject matter in courses taken through the program. 53028

(F) The department of education and workforce, the 53029
department of higher education, and each public and 53030
participating private college and eligible out-of-state college 53031
participating in the program shall post in a prominent place on 53032
their college credit plus program web sites the following 53033
disclaimer: 53034

"The subject matter of a course enrolled in under the 53035
college credit plus program may include mature subject matter or 53036
materials, including those of a graphic, explicit, violent, or 53037
sexual nature, that will not be modified based upon college 53038
credit plus enrollee participation regardless of where course 53039
instruction occurs." 53040

Sec. 3365.04. Each public and participating nonpublic 53041
secondary school shall do all of the following with respect to 53042
the college credit plus program: 53043

(A) Provide information about the program prior to the 53044
first day of February of each year to all students enrolled in 53045
grades six through eleven; 53046

(B) Provide counseling services to students in grades six 53047
through eleven and to their parents before the students 53048
participate in the program under this chapter to ensure that 53049
students and parents are fully aware of the possible 53050
consequences and benefits of participation. Counseling 53051
information shall include: 53052

(1) Program eligibility; 53053

(2) The process for granting academic credits; 53054

(3) Any necessary financial arrangements for tuition, 53055

textbooks, and fees;	53056
(4) Criteria for any transportation aid;	53057
(5) Available support services;	53058
(6) Scheduling;	53059
(7) Communicating the possible consequences and benefits of participation, including all of the following:	53060 53061
(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;	53062 53063 53064
(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;	53065 53066 53067
(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.	53068 53069 53070 53071
(8) The academic and social responsibilities of students and parents under the program;	53072 53073
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	53074 53075 53076
(10) The standard packet of information for the program developed by the chancellor of higher education pursuant to section 3365.15 of the Revised Code;	53077 53078 53079
For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may	53080 53081 53082

be able to do so. 53083

(11) Information about the potential for mature subject 53084
matter, as defined in section 3365.035 of the Revised Code, in 53085
courses in which the student intends to enroll through the 53086
program and notification that courses will not be modified based 53087
upon program enrollee participation regardless of where course 53088
instruction occurs. The information shall include the permission 53089
slip described in division (B) of section 3365.035 of the 53090
Revised Code. 53091

(C) Promote the program on the school's web site, 53092
including the details of the school's current agreements with 53093
partnering colleges; 53094

(D) Schedule at least one informational session per school 53095
year to allow each participating college that is located within 53096
thirty miles of the school to meet with interested students and 53097
parents. The session shall include the benefits and consequences 53098
of participation and shall outline any changes or additions to 53099
the requirements of the program. If there are no participating 53100
colleges located within thirty miles of the school, the school 53101
shall coordinate with the closest participating college to offer 53102
an informational session. 53103

For the purposes of division (D) of this section, 53104
"participating college" shall include both of the following: 53105

(1) A partnering college; 53106

(2) Any public college, private college, or eligible out- 53107
of-state college to which both of the following apply: 53108

(a) The college participates in the college credit plus 53109
program. 53110

(b) The college submits to the public or participating nonpublic secondary school a request to attend an informational session. 53111
53112
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(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A) (2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A) (2) and (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or enhancing a student's class standing for these courses, the policy adopted under this section shall also provide for these procedures to be applied to courses taken under the college credit plus program. 53114
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(F) Develop model course pathways, pursuant to section 3365.13 of the Revised Code, and publish the course pathways among the school's official list of course offerings for the program. 53126
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(G) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the ~~superintendent of public instruction~~ department of education and workforce pursuant to section 3365.15 of the Revised Code. 53130
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Sec. 3365.05. Each public and participating private college shall do all of the following with respect to the college credit plus program: 53135
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(A) Apply established standards and procedures for admission to the college and for course placement for 53138
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participants. When determining admission and course placement, 53140
the college shall do all of the following: 53141

(1) Consider all available student data that may be an 53142
indicator of college readiness, including grade point average 53143
and end-of-course examination scores, if applicable; 53144

(2) Give priority to its current students regarding 53145
enrollment in courses. However, once a participant has been 53146
accepted into a course, the college shall not displace the 53147
participant for another student. 53148

(3) Adhere to any capacity limitations that the college 53149
has established for specified courses. 53150

(B) Send written notice to the participant, the 53151
participant's parent, and the participant's secondary school, 53152
not later than fourteen calendar days prior to the first day of 53153
classes for that term, of the participant's admission to the 53154
college and to specified courses under the program. 53155

(C) Provide both of the following, not later than twenty- 53156
one calendar days after the first day of classes for that term, 53157
to each participant and the participant's secondary school: 53158

(1) The courses and hours of enrollment of the 53159
participant; 53160

(2) The option elected by the participant under division 53161
(A) or (B) of section 3365.06 of the Revised Code for each 53162
course. 53163

The college shall also provide to each partnering school a 53164
roster of participants from that school that are enrolled in the 53165
college and a list of course assignments for each participant. 53166

(D) Promote the program on the college's web site, 53167

including the details of the college's current agreements with 53168
partnering secondary schools. 53169

(E) Coordinate with each partnering secondary school that 53170
is located within thirty miles of the college to present at 53171
least one informational session per school year for interested 53172
students and parents. The session shall include the benefits and 53173
consequences of participation and shall outline any changes or 53174
additions to the requirements of the program. If there are no 53175
partnering schools located within thirty miles of the college, 53176
the college shall coordinate with the closest partnering school 53177
to offer an informational session. 53178

(F) Assign an academic advisor that is employed by the 53179
college to each participant enrolled in that college. Prior to 53180
the date on which a withdrawal from a course would negatively 53181
affect a participant's transcribed grade, as prescribed by the 53182
college's established withdrawal policy, the college shall 53183
ensure that the academic advisor and the participant meet at 53184
least once to discuss the program and the courses in which the 53185
participant is enrolled. 53186

(G) Do both of the following with regard to high school 53187
teachers that are teaching courses for the college at a 53188
secondary school under the program: 53189

(1) Provide at least one professional development session 53190
per school year; 53191

(2) Conduct at least one classroom observation per school 53192
year for each course that is authorized by the college and 53193
taught by a high school teacher to ensure that the course meets 53194
the quality of a college-level course. 53195

(H) Annually collect, report, and track specified data 53196

related to the program according to data reporting guidelines 53197
adopted by the chancellor and the ~~superintendent of public~~ 53198
~~instruction department of education and workforce~~ pursuant to 53199
section 3365.15 of the Revised Code. 53200

(I) With the exception of divisions (D) and (E) of this 53201
section, any eligible out-of-state college participating in the 53202
college credit plus program shall be subject to the same 53203
requirements as a participating private college under this 53204
section. 53205

Sec. 3365.06. The rules adopted under section 3365.02 of 53206
the Revised Code shall provide for participants to enroll in 53207
courses under either of the options prescribed by division (A) 53208
or (B) of this section. 53209

(A) The participant may elect at the time of enrollment to 53210
be responsible for payment of all tuition and the cost of all 53211
textbooks, materials, and fees associated with the course. The 53212
college shall notify the participant about payment of tuition 53213
and fees in the customary manner followed by the college. A 53214
participant electing this option also shall elect, at the time 53215
of enrollment, whether to receive only college credit or high 53216
school credit and college credit for the course. 53217

(1) The participant may elect to receive only college 53218
credit for the course. Except as provided in section 3365.032 of 53219
the Revised Code, if the participant successfully completes the 53220
course, the college shall award the participant full credit for 53221
the course, but the governing entity of a public secondary 53222
school or the governing body of a participating nonpublic 53223
secondary school shall not award the high school credit. 53224

(2) The participant may elect to receive both high school 53225

credit and college credit for the course. Except as provided in 53226
section 3365.032 of the Revised Code, if the participant 53227
successfully completes the course, the college shall award the 53228
participant full credit for the course and the governing entity 53229
of a public school or the governing body of a participating 53230
nonpublic school shall award the participant high school credit. 53231

(B) If a course is eligible for funding under rules 53232
adopted pursuant to division (C) (1) of this section, the 53233
participant may elect at the time of enrollment for the course 53234
to have the college reimbursed under section 3365.07 of the 53235
Revised Code. Except as provided in section 3365.032 of the 53236
Revised Code, if the participant successfully completes the 53237
course, the college shall award the participant full credit for 53238
the course and the governing entity of a public school or the 53239
governing body of a participating nonpublic school shall award 53240
the participant high school credit. If the participant elects to 53241
have the college reimbursed under this division, the department 53242
shall reimburse the college for the number of enrolled credit 53243
hours in accordance with section 3365.07 of the Revised Code. 53244

(C) (1) The chancellor of higher education, in consultation 53245
with the ~~superintendent of public instruction~~ department of 53246
education and workforce, shall adopt rules specifying which 53247
courses are eligible for funding under section 3365.07 of the 53248
Revised Code. 53249

The rules shall address at least the following: 53250

(a) Whether courses must be taken in a specified sequence; 53251

(b) Whether to restrict funding and limit eligibility to 53252
certain types of courses, including (i) courses that are 53253
included in the statewide articulation and transfer system, 53254

established by the chancellor pursuant to section 3333.161 of 53255
the Revised Code; (ii) courses that may be applied to multiple 53256
degree pathways or are applicable to in-demand jobs; or (iii) 53257
other types of courses; 53258

(c) Whether courses with private instruction, as defined 53259
by the chancellor, are eligible for funding. 53260

The rules also shall specify the school year for which 53261
implementation of the rules adopted pursuant to this division 53262
shall first apply. 53263

(2) In developing the rules, the chancellor, in 53264
consultation with the ~~state superintendent~~ department of 53265
education and workforce, shall establish a process to receive 53266
input from public and nonpublic secondary schools, public and 53267
private colleges, and other interested parties. 53268

(D) When determining a school district's enrollment under 53269
section 3317.03 of the Revised Code, the time a participant is 53270
attending courses under division (A) of this section shall be 53271
considered as time the participant is not attending or enrolled 53272
in school anywhere, and the time a participant is attending 53273
courses under division (B) of this section shall be considered 53274
as time the participant is attending or enrolled in the 53275
district's schools. 53276

Sec. 3365.07. The department of education and workforce 53277
shall calculate and pay state funds to colleges for participants 53278
in the college credit plus program under division (B) of section 53279
3365.06 of the Revised Code pursuant to this section. For a 53280
nonpublic secondary school participant, a nonchartered nonpublic 53281
secondary school participant, or a home-instructed participant, 53282
the department shall pay state funds pursuant to this section 53283

only if that participant is awarded funding according to rules 53284
adopted by the chancellor of higher education, in consultation 53285
with the ~~superintendent of public instruction~~ department of 53286
education and workforce, pursuant to section 3365.071 of the 53287
Revised Code. The program shall be the sole mechanism by which 53288
state funds are paid to colleges for students to earn 53289
transcripted credit for college courses while enrolled in both a 53290
secondary school and a college, with the exception of state 53291
funds paid to colleges according to an agreement described in 53292
division (A) (1) of section 3365.02 of the Revised Code. 53293

(A) For each public or nonpublic secondary school 53294
participant enrolled in a public college: 53295

(1) If no agreement has been entered into under division 53296
(A) (2) of this section, both of the following shall apply: 53297

(a) The department shall pay to the college the applicable 53298
amount as follows: 53299

(i) For a participant enrolled in a college course 53300
delivered on the college campus, at another location operated by 53301
the college, or online, the lesser of the default ceiling amount 53302
or the college's standard rate; 53303

(ii) For a participant enrolled in a college course 53304
delivered at the participant's secondary school but taught by 53305
college faculty, the lesser of fifty per cent of the default 53306
ceiling amount or the college's standard rate; 53307

(iii) For a participant enrolled in a college course 53308
delivered at the participant's secondary school and taught by a 53309
high school teacher who has met the credential requirements 53310
established for purposes of the program in rules adopted by the 53311
chancellor, the default floor amount. 53312

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A) (2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A) (1) (a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A) (1) (b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division

(B) (2) of this section, the department shall pay to the college 53342
the applicable amount calculated in the same manner as in 53343
division (A) (1) (a) of this section. 53344

(2) The governing entity of a participant's secondary 53345
school and the college may enter into an agreement to establish 53346
an alternative payment structure for tuition, textbooks, and 53347
fees. Under such an agreement, payments shall be not less than 53348
the default floor amount, unless approved by the chancellor, and 53349
not more than either the default ceiling amount or the college's 53350
standard rate, whichever is less. 53351

If an agreement is entered into under division (B) (2) of 53352
this section, both of the following shall apply: 53353

(a) The department shall make a payment to the college for 53354
each participant that is equal to the default floor amount, 53355
unless approved by the chancellor to pay an amount below the 53356
default floor amount. The chancellor may approve an agreement 53357
that includes a payment below the default floor amount, as long 53358
as the provisions of the agreement comply with all other 53359
requirements of this chapter to ensure program quality. 53360

(b) Payment for costs for the participant that exceed the 53361
amount paid by the department pursuant to division (B) (2) (a) of 53362
this section shall be negotiated by the school and the college. 53363
The agreement may include a stipulation permitting the charging 53364
of a participant. 53365

However, under no circumstances shall: 53366

(i) Payments for a participant made by the department 53367
under division (B) (2) of this section exceed the lesser of the 53368
default ceiling amount or the college's standard rate; 53369

(ii) The amount charged to a participant under division 53370

(B) (2) of this section exceed the difference between the maximum per participant charge amount and the default floor amount; 53371
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(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B) (2) of this section exceed the following amounts, as applicable: 53373
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(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount; 53377
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(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars; 53381
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(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars. 53384
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(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B) (2) of this section for any tuition, textbooks, or other fees related to participation in the program. 53389
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(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A) (1) (a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the 53394
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governing body of the nonpublic secondary school and the 53400
college. 53401

However, under no circumstances shall: 53402

(1) The payments for a participant made by the department 53403
under this division exceed the lesser of the default ceiling 53404
amount or the college's standard rate. 53405

(2) Any nonpublic secondary school participant, who is 53406
enrolled in that secondary school with a scholarship awarded 53407
under either the educational choice scholarship pilot program, 53408
as prescribed by sections 3310.01 to 3310.17, or the pilot 53409
project scholarship program, as prescribed by sections 3313.974 53410
to 3313.979 of the Revised Code, and who qualifies as a low- 53411
income student under either of those programs, be charged for 53412
any tuition, textbooks, or other fees related to participation 53413
in the college credit plus program. 53414

(D) For each nonchartered nonpublic secondary school 53415
participant and each home-instructed participant enrolled in a 53416
public, private, or eligible out-of-state college, the 53417
department shall pay to the college the lesser of the default 53418
ceiling amount or the college's standard rate, if that 53419
participant is enrolled in a college course delivered on the 53420
college campus, at another location operated by the college, or 53421
online. 53422

(E) Not later than thirty days after the end of each term, 53423
each college expecting to receive payment for the costs of a 53424
participant under this section shall notify the department of 53425
the number of enrolled credit hours for each participant. 53426

(F) The department shall make the applicable payments 53427
under this section to each college, which provided proper 53428

notification to the department under division (E) of this 53429
section, for the number of enrolled credit hours for 53430
participants enrolled in the college under division (B) of 53431
section 3365.06 of the Revised Code. Except in cases involving 53432
incomplete participant information or a dispute of participant 53433
information, payments shall be made by the last day of January 53434
for participants who were enrolled during the fall term and by 53435
the last day of July for participants who were enrolled during 53436
the spring term. The department shall not make any payments to a 53437
college under this section if a participant withdrew from a 53438
course prior to the date on which a withdrawal from the course 53439
would have negatively affected the participant's transcribed 53440
grade, as prescribed by the college's established withdrawal 53441
policy. 53442

(1) Payments made for public secondary school participants 53443
under this section shall be deducted as follows: 53444

(a) For a participant enrolled in a school district, from 53445
the school foundation payments made to the participant's school 53446
district. If the participant is enrolled in a joint vocational 53447
school district, a portion of the amount shall be deducted from 53448
the payments to the joint vocational school district and a 53449
portion shall be deducted from the payments to the participant's 53450
city, local, or exempted village school district in accordance 53451
with the full-time equivalency of the student's enrollment in 53452
each district. 53453

(b) For a participant enrolled in a community school 53454
established under Chapter 3314. of the Revised Code, from the 53455
payments made to that school under section 3317.022 of the 53456
Revised Code; 53457

(c) For a participant enrolled in a STEM school, from the 53458

payments made to that school under section 3317.022 of the Revised Code; 53459
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(d) For a participant enrolled in a college-preparatory boarding school, from the payments made to that school under section 3328.34 of the Revised Code; 53461
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(e) For a participant enrolled in the state school for the deaf or the state school for the blind, from the amount paid to that school with funds appropriated by the general assembly for support of that school; 53464
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(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly for support of that institution. 53468
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Amounts deducted under divisions (F) (1) (a) to (f) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the ~~state~~ department of education and workforce, pursuant to division (B) of section 3365.071 of the Revised Code 53472
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(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the ~~state superintendent~~ department of education and workforce, pursuant to division (A) of section 3365.071 of the Revised Code. 53477
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(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include 53486
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that student in the calculation used to determine its state 53488
share of instruction funds appropriated to the department of 53489
higher education by the general assembly. 53490

Sec. 3365.071. (A) The chancellor of ~~the Ohio board of~~ 53491
~~regents~~higher education, in accordance with Chapter 119. of the 53492
Revised Code and in consultation with the ~~superintendent of~~ 53493
~~public instruction~~ department of education and workforce, shall 53494
adopt rules prescribing a method to allocate and distribute 53495
payments under section 3365.07 of the Revised Code for nonpublic 53496
secondary school participants, nonchartered nonpublic secondary 53497
school participants, and home-instructed participants. The rules 53498
shall include that payments made for nonchartered nonpublic 53499
secondary school participants be made in the same manner as 53500
payments for home-instructed participants under that section. 53501

(B) The chancellor, in consultation with the ~~state~~ 53502
~~superintendent~~ department, shall also adopt rules establishing a 53503
method to calculate the amounts deducted from a joint vocational 53504
school district and from a participant's city, local, or 53505
exempted village school district for payments under section 53506
3365.07 of the Revised Code. 53507

Sec. 3365.08. (A) No participant enrolled under this 53508
chapter in a course for which credit toward high school 53509
graduation is awarded shall receive direct financial aid through 53510
any state or federal program. 53511

(B) If a school district provides transportation for 53512
resident school students in grades eleven and twelve under 53513
section 3327.01 of the Revised Code, a parent of a participant 53514
enrolled in a course under division (A) (2) or (B) of section 53515
3365.06 of the Revised Code may apply to the board of education 53516
for full or partial reimbursement for the necessary costs of 53517

transporting the participant between the secondary school the 53518
participant attends and the college in which the participant is 53519
enrolled. Reimbursement may be paid solely from funds received 53520
by the district for student transportation under section 53521
3317.0212 of the Revised Code or other provisions of law. The 53522
~~state board~~ department of education and workforce shall 53523
establish guidelines, based on financial need, under which a 53524
district may provide such reimbursement. 53525

(C) If a community school provides or arranges 53526
transportation for its students in grades nine through twelve 53527
under section 3314.091 of the Revised Code, a parent of a 53528
participant of the community school who is enrolled in a course 53529
under division (A) (2) or (B) of section 3365.06 of the Revised 53530
Code may apply to the governing authority of the community 53531
school for full or partial reimbursement of the necessary costs 53532
of transporting the participant between the community school and 53533
the college. The governing authority may pay the reimbursement 53534
in accordance with the ~~state board's~~ department's rules adopted 53535
under division (B) of this section solely from funds paid to it 53536
under division (H) of section 3317.0212 of the Revised Code. 53537

Sec. 3365.09. (A) Except as provided for in division (C) 53538
of this section, if the superintendent, or equivalent, of a 53539
public secondary school in which a participant is enrolled 53540
determines that the participant has not attained a passing final 53541
grade in a college course in which the participant enrolled 53542
under this chapter, the superintendent, or equivalent, may seek 53543
reimbursement from the participant or the participant's parent 53544
for the amount of state funds paid to the college on behalf of 53545
the participant for that college course. The governing entity of 53546
a public school, in accordance with division (C) of section 53547
3313.642 of the Revised Code, may withhold grades and credits 53548

received by the participant for high school courses taken by the 53549
participant until the participant or the participant's parent 53550
provides reimbursement. 53551

(B) Except as provided for in division (C) of this 53552
section, if the chief administrator of a participating nonpublic 53553
school in which a participant is enrolled determines that the 53554
participant has not attained a passing final grade in a college 53555
course in which the participant enrolled under this chapter, the 53556
chief administrator may seek reimbursement from the participant 53557
or the participant's parent for the amount of state funds paid 53558
to the college on behalf of the participant for enrollment in 53559
that college course. Upon the collection of any funds from a 53560
participant or participant's parent under this division, the 53561
chief administrator of a nonpublic school shall send an amount 53562
equal to the funds collected to the ~~superintendent of public~~ 53563
instruction department of education and workforce. The 53564
~~superintendent of public instruction department~~ shall credit 53565
that amount to the general revenue fund. 53566

(C) Unless the participant was expelled by the school, the 53567
superintendent, or equivalent, or chief administrator shall not 53568
seek reimbursement from a participant or a participant's parent 53569
under division (A) or (B) of this section, if the participant is 53570
identified as economically disadvantaged according to rules 53571
adopted by the ~~department of education~~. 53572

Sec. 3365.091. (A) The chancellor of higher education, in 53573
consultation with the ~~superintendent of public instruction~~ 53574
department of education and workforce, shall adopt rules 53575
specifying the conditions under which an underperforming 53576
participant may continue to participate in the college credit 53577
plus program. 53578

The rules shall address at least the following:	53579
(1) The definition of an "underperforming participant";	53580
(2) Any additional conditions that participants with repeated underperformance must satisfy;	53581 53582
(3) The timeframe for notifying an underperforming participant who is determined to be ineligible for participation of such ineligibility;	53583 53584 53585
(4) Mechanisms available to assist underperforming participants;	53586 53587
(5) The role of school guidance counselors and college academic advisers in assisting underperforming participants;	53588 53589
(6) If an underperforming participant is determined to be ineligible for participation, any consequences that such ineligibility may have on the student's ability to complete the secondary school's graduation requirements.	53590 53591 53592 53593
The rules also shall specify the school year for which implementation of the rules adopted pursuant to division (A) of this section shall first apply.	53594 53595 53596
(B) In developing the rules pursuant to division (A) of this section, the chancellor, in consultation with the state superintendent <u>department</u> , shall establish a process to receive input from public and nonpublic secondary schools, public and private colleges, and other interested parties.	53597 53598 53599 53600 53601
Sec. 3365.10. (A) Any public or participating nonpublic secondary school or any public or participating private college may apply to the chancellor of higher education and the superintendent of public instruction <u>department of education and workforce</u> for a waiver from the requirements of the college	53602 53603 53604 53605 53606

credit plus program. The chancellor and the ~~superintendent-~~ 53607
department may grant a waiver under this section for an 53608
agreement or for a proposed agreement between a public or 53609
participating nonpublic secondary school and a public or 53610
participating private or out-of-state college, only if the 53611
agreement does both of the following: 53612

(1) Includes innovative programming proposed to 53613
exclusively address the needs of underrepresented student 53614
subgroups; 53615

(2) Meets all criteria set forth in rules adopted by the 53616
chancellor and the ~~superintendent-~~department pursuant to 53617
division (C) of this section. 53618

(B) Any waiver granted under this section shall apply only 53619
to the agreement for which the waiver is granted and shall not 53620
apply to any other agreement that the school or college enters 53621
into under this chapter. 53622

(C) The chancellor and the ~~superintendent of public-~~ 53623
~~instruction-~~department shall jointly adopt rules, in accordance 53624
with Chapter 119. of the Revised Code, regarding the granting of 53625
waivers under this section. 53626

Sec. 3365.12. (A) All courses offered under the college 53627
credit plus program shall be the same courses that are included 53628
in the partnering college's course catalogue for college-level, 53629
nonremedial courses and shall apply to at least one degree or 53630
professional certification at the partnering college. 53631

(B) (1) High school credit awarded for courses successfully 53632
completed under this chapter shall count toward the graduation 53633
requirements and subject area requirements of the public 53634
secondary school or participating nonpublic secondary school. If 53635

a course comparable to one a participant completed at a college 53636
is offered by the school, the governing entity or governing body 53637
shall award comparable credit for the course completed at the 53638
college. If no comparable course is offered by the school, the 53639
governing entity or governing body shall grant an appropriate 53640
number of elective credits to the participant. 53641

(2) If there is a dispute between a participant's school 53642
and a participant regarding high school credits granted for a 53643
course, the participant may appeal the decision to the 53644
department of education and workforce. The department's decision 53645
regarding any high school credits granted under this section is 53646
final. 53647

(C) Evidence of successful completion of each course and 53648
the high school credits awarded by the school shall be included 53649
in the student's record. The record shall indicate that the 53650
credits were earned as a participant under this chapter and 53651
shall include the name of the college at which the credits were 53652
earned. 53653

Sec. 3365.15. The chancellor of higher education and the 53654
~~superintendent of public instruction~~ department of education and 53655
workforce jointly shall do all of the following: 53656

(A) Adopt data reporting guidelines specifying the types 53657
of data that public and participating nonpublic secondary 53658
schools and public and participating private colleges, including 53659
eligible out-of-state colleges participating in the program, 53660
must annually collect, report, and track under division (G) of 53661
section 3365.04 and division (H) of section 3365.05 of the 53662
Revised Code. The types of data shall include all of the 53663
following: 53664

(1) For each secondary school and college:	53665
(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;	53666 53667
(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;	53668 53669 53670
(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.	53671 53672
(2) For each secondary school, the number of students who were denied participation in the program under division (A) (1) (a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of education pursuant to section 3365.071 of the Revised Code.	53673 53674 53675 53676 53677 53678 53679 53680
(3) For each college:	53681
(a) The number of students who applied to enroll in the college under the program but were not granted admission;	53682 53683
(b) The average number of completed courses per participant;	53684 53685
(c) The average grade point average for participants in college courses under the program.	53686 53687
The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.	53688 53689 53690
(B) Annually compile the data required under division (A)	53691

of this section. Not later than the thirty-first day of December 53692
of each year, the data from the previous school year shall be 53693
posted in a prominent location on both the chancellor of higher 53694
education's and the ~~department of education's~~ department's web 53695
sites. 53696

(C) Until December 2023, submit an annual report on 53697
outcomes of the college credit plus program that are supported 53698
by empirical evidence to the governor, the president of the 53699
senate, the speaker of the house of representatives, and the 53700
chairpersons of the education committees of the senate and house 53701
of representatives. The report shall include all of the 53702
following, disaggregated by cohort: 53703

(1) Number of degrees attained; 53704

(2) Level and type of degrees attained; 53705

(3) Number of students who receive a degree in two 53706
different subject areas; 53707

(4) Time to completion of a degree, disaggregated by level 53708
and type of degree attained; 53709

(5) Time to enrollment in a graduate or doctoral degree 53710
program; 53711

(6) The number of students who participate in a study 53712
abroad course; 53713

(7) How all of the measures described in division (C) of 53714
this section compare to both: 53715

(a) The overall student population who did not participate 53716
in the college credit plus program; 53717

(b) Any similar measures compiled under the former 53718

postsecondary enrollment options program, to the extent that 53719
such data is available. 53720

The first report shall be submitted not later than 53721
December 31, 2018, and each subsequent report shall be submitted 53722
not later than the thirty-first day of December each year 53723
thereafter until December 2023. 53724

(D) Establish a college credit plus advisory committee to 53725
assist in the development of performance metrics and the 53726
monitoring of the program's progress. At least one member of the 53727
advisory committee shall be a school guidance counselor. 53728

The chancellor shall also, in consultation with the 53729
~~superintendent department~~, create a standard packet of 53730
information for the college credit plus program directed toward 53731
students and parents that are interested in the program. 53732

(E) The chancellor and the ~~state superintendent department~~ 53733
also may submit a biennial report detailing the status of the 53734
college credit plus program, including an analysis of quality 53735
assurance measures related to the program, to the governor, the 53736
president of the senate, the speaker of the house of 53737
representatives, and the chairpersons of the education 53738
committees of the senate and house of representatives. If the 53739
chancellor and ~~state superintendent the department~~ choose to 53740
jointly submit the biennial report, both of the following shall 53741
apply: 53742

(1) The report shall include only data available through 53743
the higher education information system administered by the 53744
chancellor. 53745

(2) The first report shall be submitted not later than 53746
December 31, 2017, and each subsequent report shall be submitted 53747

not later than the thirty-first day of December every two years 53748
thereafter. 53749

(F) For purposes of this section, "cohort" means a group 53750
of students who participated in the college credit plus program 53751
and who, upon graduation from high school, enroll in an Ohio 53752
institution of higher education during the same academic year. 53753

Sec. 3375.01. A state library board is hereby created to 53754
be composed of five members to be appointed by the ~~state board~~ 53755
director of education and workforce. One member shall be 53756
appointed each year for a term of five years. No one is eligible 53757
to membership on the state library board who is or has been for 53758
a year previous to appointment a member of the state board of 53759
education. A member of the state library board shall not during 53760
the member's term of office be a member of the board of library 53761
trustees for any library in any subdivision in the state. Before 53762
entering on official duties, each member shall subscribe to the 53763
official oath of office. All vacancies on the state library 53764
board shall be filled by the ~~state board of education~~ director 53765
by appointment for the unexpired term. The members shall receive 53766
no compensation, but shall be paid their actual and necessary 53767
expenses incurred in the performance of their duties or in the 53768
conduct of authorized board business, within or without the 53769
state. 53770

At its regular meeting next prior to the beginning of each 53771
fiscal biennium, the state library board shall elect a president 53772
and vice-president each of whom shall serve for two years or 53773
until a successor is elected and qualified. 53774

The state library board is responsible for the state 53775
library of Ohio and a statewide program of development and 53776
coordination of library services, and its powers include the 53777

following: 53778

(A) Maintain the state library, holding custody of books, 53779
periodicals, pamphlets, films, recordings, papers, and other 53780
materials and equipment. The board may purchase or procure from 53781
an insurance company licensed to do business in this state 53782
policies of insurance insuring the members of the board and the 53783
officers, employees, and agents of the state library against 53784
liability on account of damage or injury to persons or property 53785
resulting from any act or omission of the board members, 53786
officers, employees, and agents of the state library in their 53787
official capacity. 53788

(B) Accept, receive, administer, and expend, in accordance 53789
with the terms thereof, any moneys, materials, or other aid 53790
granted, appropriated, or made available to it for library 53791
purposes, by the United States, or any of its agencies, or by 53792
any other source, public or private; 53793

(C) Administer such funds as the general assembly may make 53794
available to it for the improvement of public library services, 53795
interlibrary cooperation, or for other library purposes; 53796

(D) Contract with other agencies, organizations, 53797
libraries, library schools, boards of education, universities, 53798
public and private, within or without the state, for library 53799
services, facilities, research, or any allied or related 53800
purpose; 53801

(E) In accordance with Chapter 119. of the Revised Code, 53802
approve, disapprove, or modify resolutions for establishment of 53803
county district libraries, and approve, disapprove, or modify 53804
resolutions to determine the boundaries of such districts, along 53805
county lines or otherwise, and approve, disapprove, or modify 53806

resolutions to redefine boundaries, along county lines or 53807
otherwise, where questions subsequently arise as a result of 53808
school district consolidations; 53809

(F) Upon consolidation of two or more school districts and 53810
in accordance with Chapter 119. of the Revised Code, define and 53811
adjust the boundaries of the new public library district 53812
resulting from such consolidation and resolve any disputes or 53813
questions pertaining to the boundaries, organization, and 53814
operation of the new library district; 53815

(G) Upon application of one or more boards of library 53816
trustees and in accordance with Chapter 119. of the Revised 53817
Code, define, amend, and adjust the boundaries of the library 53818
districts making such application and the boundaries of adjacent 53819
library districts; 53820

(H) Upon application of one or more boards of library 53821
trustees, or upon the state library board's own initiative, and 53822
in accordance with Chapter 119. of the Revised Code, define, 53823
amend, and adjust the boundaries of overlapping library 53824
districts to eliminate areas of overlap; 53825

(I) Upon application of any private corporation or library 53826
association maintaining a free public library prior to September 53827
4, 1947, and in accordance with Chapter 119. of the Revised 53828
Code, define, amend, and adjust the boundaries of a library 53829
district for the private corporation or library association for 53830
the sole purpose of preventing or eliminating areas of overlap 53831
with other library districts in relation to tax levies described 53832
in sections 5705.19, 5705.191, and 5705.21 of the Revised Code 53833
that are or may be levied in support of the private corporation 53834
or library association; 53835

(J) Certify its actions relating to boundaries authorized in this section, to boards of election, taxing authorities, the boards of trustees of libraries affected, and other appropriate bodies;

(K) Encourage and assist the efforts of libraries and local governments to develop mutual and cooperative solutions to library service problems;

(L) Recommend to the governor and to the general assembly such changes in the law as will strengthen and improve library services and operations;

(M) In accordance with Chapter 119. of the Revised Code, adopt such rules as are necessary for the carrying out of any function imposed on it by law, and provide such rules as are necessary for its government and the government of its employees. The board may delegate to the state librarian the management and administration of any function imposed on it by law.

Sec. 3701.507. (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code shall appoint a permanent infant hearing screening subcommittee. The subcommittee shall consist of the following members:

(1) One otolaryngologist;

(2) One neonatologist;

(3) One pediatrician;

(4) One neurologist;

(5) One hospital administrator;

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|--|----------------|
| (6) Two or more audiologists who are experienced in infant hearing screening and evaluation; | 53864
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| (7) One speech-language pathologist licensed under section 4753.07 of the Revised Code; | 53866
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| (8) Two persons who are each a parent of a hearing-impaired child; | 53868
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| (9) One geneticist; | 53870 |
| (10) One epidemiologist; | 53871 |
| (11) One adult who is deaf or hearing impaired; | 53872 |
| (12) One representative from an organization for persons who are deaf or hearing impaired; | 53873
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| (13) One family advocate; | 53875 |
| (14) One nurse from a well-baby neonatal nursery; | 53876 |
| (15) One nurse from a special care neonatal nursery; | 53877 |
| (16) One teacher of persons who are deaf who works with infants and toddlers; | 53878
53879 |
| (17) One representative of the health insurance industry; | 53880 |
| (18) One representative of the children with medical handicaps program; | 53881
53882 |
| (19) One representative of the department of education <u>and</u> <u>workforce</u> ; | 53883
53884 |
| (20) One representative of the department of medicaid; | 53885 |
| (21) Any other person the advisory council appoints. | 53886 |
| (B) The infant hearing subcommittee shall: | 53887 |

(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	53888 53889 53890
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	53891 53892 53893
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	53894 53895 53896 53897
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	53898 53899 53900 53901
(b) Identification of locations where hearing evaluations may be conducted;	53902 53903
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	53904 53905
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	53906 53907
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	53908 53909
(f) Preparation of the information required by section 3701.506 of the Revised Code.	53910 53911
Sec. 3701.78. (A) There is hereby created the commission on minority health, consisting of twenty-one members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals.	53912 53913 53914 53915

The governor also shall appoint two members who are 53916
representatives of the lupus awareness and education program. 53917
The speaker of the house of representatives shall appoint to the 53918
commission two members of the house of representatives, not more 53919
than one of whom is a member of the same political party, and 53920
the president of the senate shall appoint to the commission two 53921
members of the senate, not more than one of whom is a member of 53922
the same political party. The following shall be members of the 53923
commission: the directors of health, mental health and addiction 53924
services, developmental disabilities, and job and family 53925
services, or their designees; the medicaid director, or the 53926
director's designee; and the ~~superintendent of public~~ 53927
~~instruction~~ director of education and workforce, or the 53928
~~superintendent's~~ director's designee. 53929

The commission shall elect a chairperson from among its 53930
members. 53931

Of the members appointed by the governor, five shall be 53932
appointed to initial terms of one year, and four shall be 53933
appointed to initial terms of two years. Thereafter, all members 53934
appointed by the governor shall be appointed to terms of two 53935
years. All members of the commission appointed by the speaker of 53936
the house of representatives or the president of the senate 53937
shall be nonvoting members of the commission and be appointed 53938
within thirty days after the commencement of the first regular 53939
session of each general assembly, and shall serve until the 53940
expiration of the session of the general assembly during which 53941
they were appointed. 53942

Members of the commission shall serve without 53943
compensation, but shall be reimbursed for the actual and 53944
necessary expenses they incur in the performance of their 53945

official duties. 53946

(B) The commission shall promote health and the prevention 53947
of disease among members of minority groups. Each year the 53948
commission shall distribute grants from available funds to 53949
community-based health groups to be used to promote health and 53950
the prevention of disease among members of minority groups. As 53951
used in this division, "minority group" means any of the 53952
following economically disadvantaged groups: Blacks, American 53953
Indians, Hispanics, and Orientals. The commission shall adopt 53954
and maintain rules pursuant to Chapter 119. of the Revised Code 53955
to provide for the distribution of these grants. No group shall 53956
qualify to receive a grant from the commission unless it 53957
receives at least twenty per cent of its funds from sources 53958
other than grants distributed under this section. 53959

(C) The commission may appoint such employees as it 53960
considers necessary to carry out its duties under this section. 53961
The department of health shall provide office space for the 53962
commission. 53963

(D) The commission shall meet at the call of its 53964
chairperson to conduct its official business. A majority of the 53965
voting members of the commission constitute a quorum. The votes 53966
of at least eight voting members of the commission are necessary 53967
for the commission to take any official action or to approve the 53968
distribution of grants under this section. 53969

Sec. 3705.36. Three years after the date a birth defects 53970
information system is implemented pursuant to section 3705.30 of 53971
the Revised Code, and annually thereafter, the department of 53972
health shall prepare a report regarding the birth defects 53973
information system. The department shall file the report with 53974
the governor, the president and minority leader of the senate, 53975

the speaker and minority leader of the house of representatives, 53976
the departments of developmental disabilities, education and 53977
workforce, and job and family services, the commission on 53978
minority health, and the news media. 53979

Sec. 3707.58. (A) As used in this section: 53980

(1) "Youth athlete" means an individual who wishes to 53981
practice for or compete in athletic activities organized by a 53982
youth sports organization; 53983

(2) "Youth sports organization" has the same meaning as in 53984
section 3707.51 of the Revised Code. 53985

(B) Prior to the start of each athletic season, a youth 53986
sports organization that is subject to this section may hold an 53987
informational meeting for youth athletes, parents, guardians, 53988
other persons having care or charge of a youth athlete, 53989
physicians, pediatric cardiologists, athletic trainers, and any 53990
other persons regarding the symptoms and warning signs of sudden 53991
cardiac arrest for all ages of youth athletes. 53992

(C) No youth athlete shall participate in an athletic 53993
activity organized by a youth sports organization until the 53994
youth athlete has submitted to a designated official of the 53995
youth sports organization a form signed by the youth athlete and 53996
the parent, guardian, or other person having care or charge of 53997
the youth athlete stating that the youth athlete and the parent, 53998
guardian, or other person having care or charge of the youth 53999
athlete have received and reviewed a copy of the information 54000
developed by the ~~departments~~ department of health and the 54001
department of education and workforce and posted on their 54002
respective internet web sites as required by section 3707.59 of 54003
the Revised Code. A completed form shall be submitted each 54004

calendar year to each youth sports organization that organizes 54005
an athletic activity in which the youth athlete participates. 54006

(D) No individual shall coach an athletic activity 54007
organized by a youth sports organization unless the individual 54008
has completed, on an annual basis, the sudden cardiac arrest 54009
training course approved by the department of health under 54010
division (C) of section 3707.59 of the Revised Code. 54011

(E) (1) A youth athlete shall not be allowed to participate 54012
in an athletic activity organized by a youth sports organization 54013
if either of the following is the case: 54014

(a) The youth athlete's biological parent, biological 54015
sibling, or biological child has previously experienced sudden 54016
cardiac arrest, and the youth athlete has not been evaluated and 54017
cleared for participation in an athletic activity organized by a 54018
youth sports organization by a physician authorized under 54019
Chapter 4731. of the Revised Code to practice medicine and 54020
surgery or osteopathic medicine and surgery. 54021

(b) The youth athlete is known to have exhibited syncope 54022
or fainting at any time prior to or following an athletic 54023
activity and has not been evaluated and cleared for return under 54024
division (E) (3) of this section after exhibiting syncope or 54025
fainting. 54026

(2) A youth athlete shall be removed by the youth 54027
athlete's coach from participation in an athletic activity 54028
organized by a youth sports organization if the youth athlete 54029
exhibits syncope or fainting. 54030

(3) If a youth athlete is not allowed to participate in or 54031
is removed from participation in an athletic activity organized 54032
by a youth sports organization under division (E) (1) or (2) of 54033

this section, the youth athlete shall not be allowed to return 54034
to participation until the youth athlete is evaluated and 54035
cleared for return in writing by any of the following: 54036

(a) A physician authorized under Chapter 4731. of the 54037
Revised Code to practice medicine and surgery or osteopathic 54038
medicine and surgery, including a physician who specializes in 54039
cardiology; 54040

(b) A certified nurse practitioner, clinical nurse 54041
specialist, or certified nurse-midwife who holds a certificate 54042
of authority issued under Chapter 4723. of the Revised Code. 54043

The licensed health care providers specified in divisions 54044
(E) (3) (a) and (b) of this section may consult with any other 54045
licensed or certified health care providers in order to 54046
determine whether a youth athlete is ready to return to 54047
participation. 54048

(F) A youth sports organization that is subject to this 54049
section shall establish penalties for a coach who violates the 54050
provisions of division (E) of this section. 54051

(G) (1) A youth sports organization or official, employee, 54052
or volunteer of a youth sports organization, including a coach, 54053
is not liable in damages in a civil action for injury, death, or 54054
loss to person or property allegedly arising from providing 54055
services or performing duties under this section, unless the act 54056
or omission constitutes willful or wanton misconduct. 54057

(2) This section does not eliminate, limit, or reduce any 54058
other immunity or defense that a public entity, public official, 54059
or public employee may be entitled to under Chapter 2744. or any 54060
other provision of the Revised Code or under the common law of 54061
this state. 54062

Sec. 3707.59. (A) As used in this section:	54063
(1) "Athletic activity" means both of the following:	54064
(a) An athletic activity, as defined in section 3313.5310 of the Revised Code;	54065 54066
(b) An athletic activity organized by a youth sports organization.	54067 54068
(2) "Youth athlete" and "youth sports organization" have the same meanings as in section 3707.58 of the Revised Code.	54069 54070
(B) The department of health and the department of education <u>and workforce</u> jointly shall develop and shall post on their respective internet web sites guidelines and other relevant materials to inform and educate students and youth athletes participating in or desiring to participate in an athletic activity, their parents, and their coaches about the nature and warning signs of sudden cardiac arrest. These guidelines and materials shall address the risks associated with continuing to participate in an athletic activity after experiencing one or more symptoms of sudden cardiac arrest, such as fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate. In developing guidelines and other relevant materials under this division, the department of health and the department of education <u>and workforce</u> shall consult with the Ohio chapter of the American college of cardiology and with an interscholastic conference or an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events.	54071 54072 54073 54074 54075 54076 54077 54078 54079 54080 54081 54082 54083 54084 54085 54086 54087 54088
In developing guidelines and materials under this division, the departments may utilize existing materials developed by the parent heart watch organization, the sudden	54089 54090 54091

arrhythmia death syndromes foundation, and any other 54092
organizations deemed appropriate by the departments. 54093

(C) For purposes of the training required for a coach of 54094
an athletic activity under division (D) of section 3313.5310 or 54095
division (D) of section 3707.58 of the Revised Code, the 54096
department of health shall approve a sudden cardiac arrest 54097
training course offered by an outside entity. 54098

Sec. 3734.62. On and after ~~the effective date of this~~ 54099
~~section April 6, 2007,~~ no school district or educational service 54100
center established under Chapter 3311. of the Revised Code, 54101
community school established under Chapter 3314. of the Revised 54102
Code, or nonpublic school for which the ~~state board~~ director of 54103
education and workforce prescribes standards under section 54104
3301.07 of the Revised Code and no employee of such a school 54105
district, educational service center, community school, or 54106
nonpublic school shall purchase mercury or a mercury-added 54107
measuring device for classroom use. 54108

If a school district, educational service center, 54109
community school, or nonpublic school or an employee of a school 54110
district, educational service center, community school, or 54111
nonpublic school purchases mercury or a mercury-added measuring 54112
device for classroom use on or after ~~the effective date of this~~ 54113
~~section April 6, 2007,~~ in violation of this section, but 54114
properly recycles or disposes of the mercury or mercury-added 54115
measuring device upon learning of or being informed of the 54116
violation and creates and implements a mercury reduction plan, 54117
the director of environmental protection shall consider the 54118
recycling or disposal of the mercury or mercury-added measuring 54119
device and the implementation of and compliance with the mercury 54120
reduction plan as mitigating circumstances for purposes of 54121

enforcement of a violation of this section.	54122
Sec. 3737.22. (A) The fire marshal shall do all of the	54123
following:	54124
(1) Adopt the state fire code under sections 3737.82 to	54125
3737.86 of the Revised Code;	54126
(2) Enforce the state fire code;	54127
(3) Appoint assistant fire marshals who are authorized to	54128
enforce the state fire code;	54129
(4) Conduct investigations into the cause, origin, and	54130
circumstances of fires and explosions, and assist in the	54131
prosecution of persons believed to be guilty of arson or a	54132
similar crime;	54133
(5) Compile statistics concerning loss due to fire and	54134
explosion as the fire marshal considers necessary, and consider	54135
the compatibility of the fire marshal's system of compilation	54136
with the systems of other state and federal agencies and fire	54137
marshals of other states;	54138
(6) Engage in research on the cause and prevention of	54139
losses due to fire and explosion;	54140
(7) Engage in public education and informational	54141
activities which will inform the public of fire safety	54142
information;	54143
(8) Operate a fire training academy and forensic	54144
laboratory;	54145
(9) Conduct other fire safety and fire fighting training	54146
activities for the public and groups as will further the cause	54147
of fire safety;	54148

(10) Conduct licensing examinations, and issue permits,	54149
licenses, and certificates, as authorized by the Revised Code;	54150
(11) Conduct tests of fire protection systems and devices,	54151
and fire fighting equipment to determine compliance with the	54152
state fire code, unless a building is insured against the hazard	54153
of fire, in which case such tests may be performed by the	54154
company insuring the building;	54155
(12) Establish and collect fees for conducting licensing	54156
examinations and for issuing permits, licenses, and	54157
certificates;	54158
(13) Make available for the prosecuting attorney and an	54159
assistant prosecuting attorney from each county of this state,	54160
in accordance with section 3737.331 of the Revised Code, a	54161
seminar program, attendance at which is optional, that is	54162
designed to provide current information, data, training, and	54163
techniques relative to the prosecution of arson cases;	54164
(14) Administer and enforce Chapter 3743. of the Revised	54165
Code;	54166
(15) Develop a uniform standard for the reporting of	54167
information required to be filed under division (E) (4) of	54168
section 2921.22 of the Revised Code, and accept the reports of	54169
the information when they are filed.	54170
(B) The fire marshal shall appoint a chief deputy fire	54171
marshal, and shall employ professional and clerical assistants	54172
as the fire marshal considers necessary. The chief deputy shall	54173
be a competent former or current member of a fire agency and	54174
possess five years of recent, progressively more responsible	54175
experience in fire inspection, fire code enforcement, and fire	54176
code management. The chief deputy, with the approval of the	54177

director of commerce, shall temporarily assume the duties of the 54178
fire marshal when the fire marshal is absent or temporarily 54179
unable to carry out the duties of the office. When there is a 54180
vacancy in the office of fire marshal, the chief deputy, with 54181
the approval of the director of commerce, shall temporarily 54182
assume the duties of the fire marshal until a new fire marshal 54183
is appointed under section 3737.21 of the Revised Code. 54184

All employees, other than the fire marshal; the chief 54185
deputy fire marshal; the superintendent of the Ohio fire 54186
academy; the grants administrator; the fiscal officer; the 54187
executive secretary to the fire marshal; legal counsel; the 54188
pyrotechnics administrator, the chief of the forensic 54189
laboratory; the person appointed by the fire marshal to serve as 54190
administrator over functions concerning testing, license 54191
examinations, and the issuance of permits and certificates; and 54192
the chiefs of the bureaus of fire prevention, of fire and 54193
explosion investigation, of code enforcement, and of underground 54194
storage tanks shall be in the classified civil service. The fire 54195
marshal shall authorize the chief deputy and other employees 54196
under the fire marshal's supervision to exercise powers granted 54197
to the fire marshal by law as may be necessary to carry out the 54198
duties of the fire marshal's office. 54199

(C) The fire marshal shall create, in and as a part of the 54200
office of fire marshal, a fire and explosion investigation 54201
bureau consisting of a chief of the bureau and additional 54202
assistant fire marshals as the fire marshal determines necessary 54203
for the efficient administration of the bureau. The chief shall 54204
be experienced in the investigation of the cause, origin, and 54205
circumstances of fires, and in administration, including the 54206
supervision of subordinates. The chief, among other duties 54207
delegated to the chief by the fire marshal, shall be 54208

responsible, under the direction of the fire marshal, for the investigation of the cause, origin, and circumstances of fires and explosions in the state, and for assistance in the prosecution of persons believed to be guilty of arson or a similar crime.

(D) (1) The fire marshal shall create, as part of the office of fire marshal, a bureau of code enforcement consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, in fire inspection, fire code development, fire code enforcement, or any other similar field determined by the fire marshal, and in administration, including the supervision of subordinates. The chief is responsible, under the direction of the fire marshal, for fire inspection, fire code development, fire code enforcement, and any other duties delegated to the chief by the fire marshal.

(2) The fire marshal, the chief deputy fire marshal, the chief of the bureau of code enforcement, or any assistant fire marshal under the direction of the fire marshal, the chief deputy fire marshal, or the chief of the bureau of code enforcement may cause to be conducted the inspection of all buildings, structures, and other places, the condition of which may be dangerous from a fire safety standpoint to life or property, or to property adjacent to the buildings, structures, or other places.

(E) The fire marshal shall create, as a part of the office of fire marshal, a bureau of fire prevention consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient

administration of the bureau. The chief shall be qualified, by 54239
education or experience, to promote programs for rural and urban 54240
fire prevention and protection. The chief, among other duties 54241
delegated to the chief by the fire marshal, is responsible, 54242
under the direction of the fire marshal, for the promotion of 54243
rural and urban fire prevention and protection through public 54244
information and education programs. 54245

(F) The fire marshal shall cooperate with the director of 54246
job and family services when the director adopts rules under 54247
section 5104.052 of the Revised Code regarding fire prevention 54248
and fire safety in licensed type B family day-care homes, as 54249
defined in section 5104.01 of the Revised Code, recommend 54250
procedures for inspecting type B homes to determine whether they 54251
are in compliance with those rules, and provide training and 54252
technical assistance to the director and county directors of job 54253
and family services on the procedures for determining compliance 54254
with those rules. 54255

(G) The fire marshal, upon request of a provider of child 54256
care in a type B home that is not licensed by the director of 54257
job and family services, as a precondition of approval by the 54258
~~state board department~~ of education and workforce under section 54259
3313.813 of the Revised Code for receipt of United States 54260
department of agriculture child and adult care food program 54261
funds established under the "National School Lunch Act," 60 54262
Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the 54263
type B home to determine compliance with rules adopted under 54264
section 5104.052 of the Revised Code regarding fire prevention 54265
and fire safety in licensed type B homes. In municipal 54266
corporations and in townships where there is a certified fire 54267
safety inspector, the inspections shall be made by that 54268
inspector under the supervision of the fire marshal, according 54269

to rules adopted under section 5104.052 of the Revised Code. In 54270
townships outside municipal corporations where there is no 54271
certified fire safety inspector, inspections shall be made by 54272
the fire marshal. 54273

Sec. 3742.32. (A) The director of health shall appoint an 54274
advisory council to assist in the ongoing development and 54275
implementation of the child lead poisoning prevention program 54276
created under section 3742.31 of the Revised Code. The advisory 54277
council shall consist of the following members: 54278

(1) A representative of the department of medicaid; 54279

(2) A representative of the bureau of child care in the 54280
department of job and family services; 54281

(3) A representative of the department of environmental 54282
protection; 54283

(4) A representative of the department of education and 54284
workforce; 54285

(5) A representative of the development services agency; 54286

(6) A representative of the Ohio apartment owner's 54287
association; 54288

(7) A representative of the Ohio healthy homes network; 54289

(8) A representative of the Ohio environmental health 54290
association; 54291

(9) An Ohio representative of the American coatings 54292
association; 54293

(10) A representative from Ohio realtors; 54294

(11) A representative of the Ohio housing finance agency; 54295

(12) A physician knowledgeable in the field of lead poisoning prevention;	54296 54297
(13) A representative of the public.	54298
(B) The advisory council shall do both of the following:	54299
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	54300 54301 54302 54303
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	54304 54305 54306
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	54307 54308
Sec. 3745.21. (A) There is hereby created within the environmental protection agency the environmental education council consisting of the directors of environmental protection and natural resources, and the superintendent of public instruction education and workforce, or their designees, as members ex officio, one member of the house of representatives to be appointed by the speaker of the house of representatives or the member's designee, one member of the senate to be appointed by the president of the senate or the member's designee, one member to be appointed by the Ohio board of regents chancellor of higher education who shall have experience in providing environmental education at the university or college level, and six members to be appointed by the governor with the advice and consent of the senate. Of the members appointed by the governor, two shall be from statewide environmental advocacy organizations, one shall represent the	54309 54310 54311 54312 54313 54314 54315 54316 54317 54318 54319 54320 54321 54322 54323 54324

interests of the industrial community in this state, one shall 54325
represent the interests of employers in this state with one 54326
hundred fifty or fewer employees, one shall represent municipal 54327
corporations, and one shall represent the interests of 54328
elementary and secondary school teachers in this state. Within 54329
thirty days after October 1, 1990, the appointing authorities 54330
shall make their initial appointments to the council. The 54331
initial appointment to the council by the ~~Ohio board of regents-~~ 54332
chancellor shall be for a term ending two years after October 1, 54333
1990. Of the initial appointments made to the council by the 54334
governor, three shall be for a term ending one year after 54335
October 1, 1990, and three shall be for a term ending two years 54336
after October 1, 1990. Thereafter, the terms of office of the 54337
members appointed by the ~~Ohio board of regents-~~ chancellor and 54338
the governor shall be for two years, with each term ending on 54339
the same day of the same month as the term that it succeeds. 54340
Each member shall hold office from the date of appointment until 54341
the end of the term for which the member was appointed. Members 54342
may be reappointed. Vacancies shall be filled in the manner 54343
provided for original appointments. Any member appointed to fill 54344
a vacancy occurring prior to the expiration date of the term for 54345
which the member's predecessor was appointed shall hold office 54346
as a member of the board of trustees for the remainder of that 54347
term. A member of the council appointed by the ~~Ohio board of-~~ 54348
~~regents-~~ chancellor or the governor shall continue in office 54349
subsequent to the expiration date of the member's term until the 54350
member's successor takes office or until a period of sixty days 54351
has elapsed, whichever occurs first. 54352

The council shall hold at least two regular, semiannual 54353
meetings each year. Special meetings may be held at the behest 54354
of the chairperson or a majority of the members. The director of 54355

environmental protection shall serve as the chairperson of the 54356
council. The council annually shall select from among its 54357
members a vice-chairperson and a secretary to keep a record of 54358
its proceedings. A majority vote of the members of the council 54359
is necessary to take action on any matter. 54360

Serving as a member of the council does not constitute 54361
holding a public office or a position of employment under the 54362
laws of this state and does not constitute grounds for the 54363
removal of public officers or employees from their offices or 54364
positions of employment. The ~~Ohio board of regents~~ chancellor 54365
may at any time remove a member of the council appointed by ~~it~~ 54366
the chancellor for misfeasance, malfeasance, or nonfeasance in 54367
office. The governor may at any time remove a member of the 54368
council appointed by the governor for misfeasance, malfeasance, 54369
or nonfeasance in office. 54370

Members of the council appointed by the ~~Ohio board of~~ 54371
~~regents~~ chancellor and the governor shall serve without 54372
compensation. Members of the council shall be reimbursed for 54373
their actual and necessary expenses incurred in the performance 54374
of their duties as members of the council from moneys credited 54375
to the environmental education fund created in section 3745.22 54376
of the Revised Code. 54377

(B) The council shall advise and assist the director of 54378
environmental protection in the implementation and 54379
administration of section 3745.22 of the Revised Code and shall 54380
review and comment on all expenditures from the fund proposed by 54381
the director. 54382

(C) The council may adopt bylaws for the regulation and 54383
conduct of the council's affairs and may propose to the director 54384
of environmental protection expenditures from the fund. 54385

Sec. 3781.106. (A) As used in this section:	54386
(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.	54387 54388 54389 54390 54391 54392 54393 54394 54395
(2) "Nonresidential building" means a building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences, or erections thereon or therein. "Nonresidential building" does not include an institution of higher education, private school, or public school, as defined in this section.	54396 54397 54398 54399 54400 54401 54402 54403
(3) "Owner" means an individual or entity possessing title to a nonresidential building or an authorized agent of the owner.	54404 54405 54406
(4) "Private school" means a chartered nonpublic school or a nonchartered nonpublic school.	54407 54408
(5) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, and any college-preparatory boarding school established under Chapter 3328. of the Revised Code.	54409 54410 54411 54412 54413 54414

(6) "School building" means a structure used for the instruction of students by a public or private school or institution of higher education.

(B) (1) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the use of a device by a staff member of a public or private school or institution of higher education that prevents both ingress and egress through a door in a school building, for a finite period of time, in an emergency situation, and during active shooter drills. The rules shall provide that the use of a device is permissible only if the device requires minimal steps to remove it after it is engaged.

The rules shall provide that the administrative authority of a building notify the police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building, and the fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located, prior to the use of such devices in a building.

The rules may require that the device be visible from the exterior of the door.

(2) The device described in division (B) (1) of this section shall not be permanently mounted to the door.

(3) Each public and private school and institution of higher education shall provide its staff members in-service training on the use of the device described in division (B) (1) of this section. The school shall maintain a record verifying this training on file.

(4) In consultation with the ~~state board~~ department of education and workforce and the chancellor of higher education,

the board shall determine and include in the rules a definition 54444
of "emergency situation." These rules shall apply to both 54445
existing and new school buildings. 54446

(C) (1) The board of building standards shall adopt rules, 54447
in accordance with Chapter 119. of the Revised Code, for the use 54448
of a device by the owner, or a person authorized by the owner, 54449
of a nonresidential building that prevents both ingress and 54450
egress through a door in the building, for a finite period of 54451
time, in an emergency situation, and during active shooter 54452
drills. The rules shall provide that the use of a device is 54453
permissible only if the device requires minimal steps to remove 54454
it after it is engaged. 54455

The rules shall require the owner of a building notify the 54456
police chief, or equivalent, of the law enforcement agency that 54457
has jurisdiction over the building, and the fire chief, or 54458
equivalent, of the fire department that serves the political 54459
subdivision in which the building is located, prior to the use 54460
of such devices in a building. 54461

The rules may require that the device be visible from the 54462
exterior of the door. 54463

(2) The device described in division (C) (1) of this 54464
section shall not be permanently mounted to the door. 54465

(3) Each owner of a nonresidential building shall provide 54466
any person that may use the device described in division (C) (1) 54467
of this section training on the use of the device. The owner of 54468
the building shall maintain a record verifying this training on 54469
file. 54470

(4) The board shall determine and include in the rules a 54471
definition of "emergency situation" for purposes of division (C) 54472

(1) of this section. These rules shall apply to both existing 54473
and new nonresidential buildings. 54474

(D) Any provision of the state fire code that is in 54475
conflict with this section or section 3737.84 of the Revised 54476
Code is unenforceable. 54477

Sec. 3781.11. (A) The rules of the board of building 54478
standards shall: 54479

(1) For nonresidential buildings, provide uniform minimum 54480
standards and requirements, and for residential buildings, 54481
provide standards and requirements that are uniform throughout 54482
the state, for construction and construction materials, 54483
including construction of industrialized units, to make 54484
residential and nonresidential buildings safe and sanitary as 54485
defined in section 3781.06 of the Revised Code; 54486

(2) Formulate such standards and requirements, so far as 54487
may be practicable, in terms of performance objectives, so as to 54488
make adequate performance for the use intended the test of 54489
acceptability; 54490

(3) Permit, to the fullest extent feasible, the use of 54491
materials and technical methods, devices, and improvements, 54492
including the use of industrialized units which tend to reduce 54493
the cost of construction and erection without affecting minimum 54494
requirements for the health, safety, and security of the 54495
occupants or users of buildings or industrialized units and 54496
without preferential treatment of types or classes of materials 54497
or products or methods of construction; 54498

(4) Encourage, so far as may be practicable, the 54499
standardization of construction practices, methods, equipment, 54500
material, and techniques, including methods employed to produce 54501

industrialized units; 54502

(5) Not require any alteration or repair of any part of a 54503
school building owned by a chartered nonpublic school or a city, 54504
local, exempted village, or joint vocational school district and 54505
operated in conjunction with any primary or secondary school 54506
program that is not being altered or repaired if all of the 54507
following apply: 54508

(a) The school building meets all of the applicable 54509
building code requirements in existence at the time of the 54510
construction of the building. 54511

(b) The school building otherwise satisfies the 54512
requirements of section 3781.06 of the Revised Code. 54513

(c) The part of the school building altered or repaired 54514
conforms to all rules of the board existing on the date of the 54515
repair or alteration. 54516

(6) Not require any alteration or repair to any part of a 54517
workshop or factory that is not otherwise being altered, 54518
repaired, or added to if all of the following apply: 54519

(a) The workshop or factory otherwise satisfies the 54520
requirements of section 3781.06 of the Revised Code. 54521

(b) The part of the workshop or factory altered, repaired, 54522
or added conforms to all rules of the board existing on the date 54523
of plan approval of the repair, alteration, or addition. 54524

(B) The rules of the board shall supersede and govern any 54525
order, standard, or rule of the division of industrial 54526
compliance in the department of commerce, division of the state 54527
fire marshal, the department of health, and of counties and 54528
townships, in all cases where such orders, standards, or rules 54529

are in conflict with the rules of the board, except that rules 54530
adopted and orders issued by the state fire marshal pursuant to 54531
Chapter 3743. of the Revised Code prevail in the event of a 54532
conflict. 54533

(C) The construction, alteration, erection, and repair of 54534
buildings including industrialized units, and the materials and 54535
devices of any kind used in connection with them and the heating 54536
and ventilating of them and the plumbing and electric wiring in 54537
them shall conform to the statutes of this state or the rules 54538
adopted and promulgated by the board, and to provisions of local 54539
ordinances not inconsistent therewith. Any building, structure, 54540
or part thereof, constructed, erected, altered, manufactured, or 54541
repaired not in accordance with the statutes of this state or 54542
with the rules of the board, and any building, structure, or 54543
part thereof in which there is installed, altered, or repaired 54544
any fixture, device, and material, or plumbing, heating, or 54545
ventilating system, or electric wiring not in accordance with 54546
such statutes or rules is a public nuisance. 54547

(D) As used in this section: 54548

(1) "Nonpublic school" means a chartered school for which 54549
minimum standards are prescribed by the ~~state board~~ director of 54550
education and workforce pursuant to division (D) of section 54551
3301.07 of the Revised Code. 54552

(2) "Workshop or factory" includes manufacturing, 54553
mechanical, electrical, mercantile, art, and laundering 54554
establishments, printing, telegraph, and telephone offices, 54555
railroad depots, and memorial buildings, but does not include 54556
hotels and tenement and apartment houses. 54557

Sec. 3798.01. As used in this chapter: 54558

(A) "Administrative safeguards," "physical safeguards," 54559
and "technical safeguards" have the same meanings as in 45 54560
C.F.R. 164.304. 54561

(B) "Covered entity," "disclosure," "health care 54562
provider," "health information," "individually identifiable 54563
health information," "protected health information," and "use" 54564
have the same meanings as in 45 C.F.R. 160.103. 54565

(C) "Designated record set" has the same meaning as in 45 54566
C.F.R. 164.501. 54567

(D) "Direct exchange" means the activity of electronic 54568
transmission of health information through a direct connection 54569
between the electronic record systems of health care providers 54570
without the use of a health information exchange. 54571

(E) "Health care component" and "hybrid entity" have the 54572
same meanings as in 45 C.F.R. 164.103. 54573

(F) "Health information exchange" means any person or 54574
governmental entity that provides in this state a technical 54575
infrastructure to connect computer systems or other electronic 54576
devices used by covered entities to facilitate the secure 54577
transmission of health information. "Health information 54578
exchange" excludes health care providers engaged in direct 54579
exchange, including direct exchange through the use of a health 54580
information service provider. 54581

(G) "HIPAA privacy rule" means the standards for privacy 54582
of individually identifiable health information in 45 C.F.R. 54583
part 160 and in 45 C.F.R. part 164, subparts A and E. 54584

(H) "Interoperability" means the capacity of two or more 54585
information systems to exchange information in an accurate, 54586
effective, secure, and consistent manner. 54587

(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.

(L) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

(M) "State agency" means any one or more of the following:

- (1) The department of administrative services;
- (2) The department of aging;
- (3) The department of mental health and addiction services;

(4) The department of developmental disabilities;	54617
(5) The department of education <u>and workforce</u> ;	54618
(6) The department of health;	54619
(7) The department of insurance;	54620
(8) The department of job and family services;	54621
(9) The department of medicaid;	54622
(10) The department of rehabilitation and correction;	54623
(11) The department of youth services;	54624
(12) The bureau of workers' compensation;	54625
(13) The opportunities for Ohioans with disabilities agency;	54626 54627
(14) The office of the attorney general;	54628
(15) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	54629 54630 54631
Sec. 4109.01. As used in this chapter:	54632
(A) "Employ" means to permit or suffer to work.	54633
(B) "Employer" means the state, its political subdivisions, and every person who employs any individual.	54634 54635
(C) "Enforcement official" means the director of commerce or the director's authorized representative, the superintendent of public instruction <u>director of education and workforce</u> or the superintendent's <u>director's</u> authorized representative, any school attendance officer, any probation officer, the director of health or the director of health's authorized representative,	54636 54637 54638 54639 54640 54641

and any representative of a local department of health. 54642

(D) "Minor" means any person less than eighteen years of 54643
age. 54644

(E) "Seasonal amusement or recreational establishment" 54645
means both of the following: 54646

(1) An amusement or recreational establishment that does 54647
not operate for more than seven months in any calendar year; 54648

(2) An amusement or recreational establishment whose 54649
average receipts for any six months during the preceding 54650
calendar year were not more than thirty-three and one-third per 54651
cent of its average receipts for the other six months of that 54652
calendar year. 54653

Sec. 4109.06. (A) This chapter does not apply to the 54654
following: 54655

(1) Minors who are students working on any properly 54656
guarded machines in the manual training department of any school 54657
when the work is performed under the personal supervision of an 54658
instructor; 54659

(2) Students participating in a career-technical or STEM 54660
program approved by the Ohio department of education and 54661
workforce or students participating in any eligible classes 54662
through the college credit plus program established under 54663
Chapter 3365. of the Revised Code that include a state- 54664
recognized pre-apprenticeship program that imparts the skills 54665
and knowledge needed for successful participation in a 54666
registered apprenticeship occupation course; 54667

(3) A minor participating in a play, pageant, or concert 54668
produced by an outdoor historical drama corporation, a 54669

professional traveling theatrical production, a professional 54670
concert tour, or a personal appearance tour as a professional 54671
motion picture star, or as an actor or performer in motion 54672
pictures or in radio or television productions in accordance 54673
with the rules adopted pursuant to division (A) of section 54674
4109.05 of the Revised Code; 54675

(4) The participation, without remuneration of a minor and 54676
with the consent of a parent or guardian, in a performance given 54677
by a church, school, or academy, or at a concert or 54678
entertainment given solely for charitable purposes, or by a 54679
charitable or religious institution; 54680

(5) Minors who are employed by their parents in 54681
occupations other than occupations prohibited by rule adopted 54682
under this chapter; 54683

(6) Minors engaged in the delivery of newspapers to the 54684
consumer; 54685

(7) Minors who have received a high school diploma or a 54686
certificate of attendance from an accredited secondary school or 54687
a certificate of high school equivalence; 54688

(8) Minors who are currently heads of households or are 54689
parents contributing to the support of their children; 54690

(9) Minors engaged in lawn mowing, snow shoveling, and 54691
other related employment; 54692

(10) Minors employed in agricultural employment in 54693
connection with farms operated by their parents, grandparents, 54694
or guardians where they are members of the guardians' household. 54695
Minors are not exempt from this chapter if they reside in 54696
agricultural labor camps as defined in section 3733.41 of the 54697
Revised Code; 54698

(11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code. 54699
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(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following: 54702
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(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities; 54704
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(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor; 54706
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(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps. 54710
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(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows: 54712
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(1) A minor adjudicated to be an unruly child or delinquent child who, as a result of the adjudication, is placed on probation may either file a petition in the juvenile court in whose jurisdiction the minor resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests. Upon receipt of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, shall consult with the person required to supervise the minor on probation. If after 54715
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that consultation, the court, the superintendent, or the chief administrative officer finds the minor has failed to show the restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If after that consultation, the court, the superintendent, or the chief administrative officer finds the minor has shown the restricted hours will cause a substantial hardship or are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall establish differing hours of employment for the minor and notify the minor and the minor's employer of those hours, which shall be binding in lieu of the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code.

(2) Any minor to whom division (C) (1) of this section does not apply may either file a petition in the juvenile court in whose jurisdiction the person resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests.

If, as a result of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, finds the minor has failed to show such restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If the court, the superintendent, or

the chief administrative officer finds the minor has shown the 54759
restricted hours will cause a substantial hardship or are not in 54760
the minor's best interests, the court, the superintendent, or 54761
the chief administrative officer shall establish the hours of 54762
employment for the minor and shall notify the minor and the 54763
minor's employer of those hours. 54764

(D) Section 4109.03, divisions (A) and (C) of section 54765
4109.02, and division (B) of section 4109.08 of the Revised Code 54766
do not apply to minors who are sixteen or seventeen years of age 54767
and who are employed at a seasonal amusement or recreational 54768
establishment. 54769

(E) As used in this section, "certificate of high school 54770
equivalence" means either: 54771

(1) A statement issued by the department of education and 54772
workforce that the holder of the statement has achieved the 54773
equivalent of a high school education as measured by scores 54774
obtained on a high school equivalency test approved by the 54775
department pursuant to division (B) of section 3301.80 of the 54776
Revised Code; 54777

(2) A statement issued by a primary-secondary education or 54778
higher education agency of another state that the holder of the 54779
statement has achieved the equivalent of a high school education 54780
as measured by scores obtained on a similar nationally 54781
recognized high school equivalency test. 54782

Sec. 4109.07. (A) No person under sixteen years of age 54783
shall be employed: 54784

(1) During school hours except where specifically 54785
permitted by this chapter; 54786

(2) Before seven a.m.; 54787

(3) After nine p.m. from the first day of June to the first day of September or during any school holiday of five school days or more duration, or after seven p.m. at any other time;	54788 54789 54790 54791
(4) For more than three hours a day in any school day;	54792
(5) For more than eighteen hours in any week while school is in session;	54793 54794
(6) For more than eight hours in any day which is not a school day;	54795 54796
(7) For more than forty hours in any week that school is not in session.	54797 54798
(B) No person under sixteen years of age may be employed more than forty hours in any one week nor during school hours unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the state board <u>department of education and workforce.</u>	54799 54800 54801 54802 54803 54804 54805
(C) No employer shall employ a minor more than five consecutive hours without allowing the minor a rest period of at least thirty minutes. The rest period need not be included in the computation of the number of hours worked by the minor.	54806 54807 54808 54809
(D) No person sixteen or seventeen years of age who is required to attend school under Chapter 3321. of the Revised Code shall be employed:	54810 54811 54812
(1) Before seven a.m. on any day that school is in session, except such person may be employed after six a.m. if the person was not employed after eight p.m. the previous night;	54813 54814 54815

(2) After eleven p.m. on any night preceding a day that school is in session. 54816
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(E) As used in this section, "school" refers to either a school the child actually attends or a school he is required to attend pursuant to Chapter 3321. of the Revised Code. 54818
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Sec. 4109.22. (A) As used in this section: 54821

(1) "Manufacturing occupation" means employment that consists of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, including the assembling of component parts into a finished product. 54822
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(2) Notwithstanding the definition of "employer" in section 4109.01 of the Revised Code, "employer" means every person who employs any individual in a manufacturing occupation. 54827
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(B) There is hereby created the manufacturing mentorship program to expose minors who are sixteen or seventeen years of age to manufacturing occupations in this state through temporary employment with an employer. An employer employing a minor under the mentorship program shall do all of the following: 54830
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(1) Determine the duration of the minor's employment; 54835

(2) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity; 54836
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(3) Provide the minor with the training described in division (C) of this section; 54839
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(4) Encourage the minor to participate in a career-technical education program approved by the department of education and workforce if the minor is not participating in a 54841
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career-technical education program when the minor begins 54844
employment; 54845

(5) Comply with all applicable state and federal laws and 54846
regulations relating to the employment of minors. 54847

(C) (1) An employer employing a minor who is sixteen or 54848
seventeen years of age in a manufacturing occupation under the 54849
mentorship program shall provide the minor with training that 54850
includes all of the following: 54851

(a) A ten-hour course in general industry safety and 54852
health hazard recognition and prevention approved by the 54853
occupational safety and health administration of the United 54854
States department of labor; 54855

(b) Instructions on how to operate the specific tools the 54856
minor will use during the minor's employment; 54857

(c) The general safety and health hazards to which the 54858
minor may be exposed at the minor's workplace; 54859

(d) The value of safety and management commitment; 54860

(e) Information on the employer's drug testing policy. 54861

(2) For purposes of division (C) (1) (a) of this section, a 54862
minor may participate in a thirty-hour course in general 54863
industry safety and health hazard recognition and prevention 54864
approved by the occupational safety and health administration if 54865
the minor has already successfully completed a ten-hour course. 54866

(3) The employer shall pay any costs associated with 54867
providing the training required by division (C) (1) or permitted 54868
under division (C) (2) of this section. 54869

(4) An employer is not required to provide the training 54870

described in division (C) (1) or (2) of this section if the minor 54871
presents proof of completing the training during the six-month 54872
period immediately before beginning employment with the 54873
employer. 54874

(D) The director of commerce, in consultation with 54875
employers, shall adopt rules in accordance with Chapter 119. of 54876
the Revised Code specifying a list of the tools that a minor who 54877
is sixteen or seventeen years of age who is employed under the 54878
mentorship program may operate during the minor's employment in 54879
a manufacturing occupation. The director shall use the manual 54880
issued by the wage and hour division of the United States 54881
department of labor titled "field operations handbook" or its 54882
successor for guidance in developing the list. Nothing in this 54883
division requires the director to include a tool on the list if 54884
the orders issued pursuant to the "Fair Labor Standards Act of 54885
1938," 29 U.S.C. 201, et seq., and section 4109.05 of the 54886
Revised Code or rules adopted under that section specifically 54887
permit minors of that age to operate the tool. 54888

(E) A minor who is sixteen or seventeen years of age who 54889
is employed by an employer under the mentorship program may work 54890
in any manufacturing occupation not denied by law to minors of 54891
that age under section 4109.05 of the Revised Code or rules 54892
adopted under that section. 54893

(F) No employer shall do either of the following: 54894

(1) Permit a minor who is sixteen or seventeen years of 54895
age to operate a tool minors of that age are permitted to 54896
operate pursuant to the rules adopted under division (D) of this 54897
section unless the minor is employed by the employer under the 54898
mentorship program; 54899

(2) Permit a minor who is sixteen or seventeen years of age who is employed by the employer under the mentorship program to operate a tool prohibited for use by minors of that age pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section.

Sec. 4112.04. (A) The commission shall do all of the following:

(1) Establish and maintain a principal office in the city of Columbus and any other offices within the state that it considers necessary;

(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.

(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;

(4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;

(5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;

(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;

(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, military

status, familial status, national origin, disability, age, or 54928
ancestry on the enjoyment of civil rights by persons within the 54929
state; 54930

(8) Report, from time to time, but not less than once a 54931
year, to the general assembly and the governor, describing in 54932
detail the investigations, proceedings, and hearings it has 54933
conducted and their outcome, the decisions it has rendered, and 54934
the other work performed by it, which report shall include a 54935
copy of any surveys prepared pursuant to division (A) (7) of this 54936
section and shall include the recommendations of the commission 54937
as to legislative or other remedial action; 54938

(9) Prepare a comprehensive educational program, in 54939
cooperation with the department of education and workforce, for 54940
the students of the public schools of this state and for all 54941
other residents of this state that is designed to eliminate 54942
prejudice on the basis of race, color, religion, sex, military 54943
status, familial status, national origin, disability, age, or 54944
ancestry in this state, to further good will among those groups, 54945
and to emphasize the origin of prejudice against those groups, 54946
its harmful effects, and its incompatibility with American 54947
principles of equality and fair play; 54948

(10) Receive progress reports from agencies, 54949
instrumentalities, institutions, boards, commissions, and other 54950
entities of this state or any of its political subdivisions and 54951
their agencies, instrumentalities, institutions, boards, 54952
commissions, and other entities regarding affirmative action 54953
programs for the employment of persons against whom 54954
discrimination is prohibited by this chapter, or regarding any 54955
affirmative housing accommodations programs developed to 54956
eliminate or reduce an imbalance of race, color, religion, sex, 54957

military status, familial status, national origin, disability, 54958
or ancestry. All agencies, instrumentalities, institutions, 54959
boards, commissions, and other entities of this state or its 54960
political subdivisions, and all political subdivisions, that 54961
have undertaken affirmative action programs pursuant to a 54962
conciliation agreement with the commission, an executive order 54963
of the governor, any federal statute or rule, or an executive 54964
order of the president of the United States shall file progress 54965
reports with the commission annually on or before the first day 54966
of November. The commission shall analyze and evaluate the 54967
progress reports and report its findings annually to the general 54968
assembly on or before the thirtieth day of January of the year 54969
immediately following the receipt of the reports. 54970

(11) Notify a person who files a charge pursuant to 54971
section 4112.051 of the Revised Code that under division (A) of 54972
section 4112.052 of the Revised Code, the person is prohibited 54973
from bringing a civil action under this chapter unless one of 54974
the following applies: 54975

(a) The conditions stated in division (B)(1) of section 54976
4112.052 of the Revised Code are satisfied; 54977

(b) An exception specified in division (B)(2) of section 54978
4112.052 of the Revised Code applies. 54979

(B) The commission may do any of the following: 54980

(1) Meet and function at any place within the state; 54981

(2) Initiate and undertake on its own motion 54982
investigations of problems of employment or housing 54983
accommodations discrimination; 54984

(3) Hold hearings, subpoena witnesses, compel their 54985
attendance, administer oaths, take the testimony of any person 54986

under oath, require the production for examination of any books 54987
and papers relating to any matter under investigation or in 54988
question before the commission, and make rules as to the 54989
issuance of subpoenas by individual commissioners. 54990

(a) In conducting a hearing or investigation, the 54991
commission shall have access at all reasonable times to 54992
premises, records, documents, individuals, and other evidence or 54993
possible sources of evidence and may examine, record, and copy 54994
the premises, records, documents, and other evidence or possible 54995
sources of evidence and take and record the testimony or 54996
statements of the individuals as reasonably necessary for the 54997
furtherance of the hearing or investigation. In investigations, 54998
the commission shall comply with the fourth amendment to the 54999
United States Constitution relating to unreasonable searches and 55000
seizures. The commission or a member of the commission may issue 55001
subpoenas to compel access to or the production of premises, 55002
records, documents, and other evidence or possible sources of 55003
evidence or the appearance of individuals, and may issue 55004
interrogatories to a respondent, to the same extent and subject 55005
to the same limitations as would apply if the subpoenas or 55006
interrogatories were issued or served in aid of a civil action 55007
in a court of common pleas. 55008

(b) Upon written application by a party to a hearing under 55009
division (B) of section 4112.05 or division (G) of section 55010
4112.051 of the Revised Code, the commission shall issue 55011
subpoenas in its name to the same extent and subject to the same 55012
limitations as subpoenas issued by the commission. Subpoenas 55013
issued at the request of a party shall show on their face the 55014
name and address of the party and shall state that they were 55015
issued at the party's request. 55016

(c) Witnesses summoned by subpoena of the commission are 55017
entitled to the witness and mileage fees provided for under 55018
section 119.094 of the Revised Code. 55019

(d) Within five days after service of a subpoena upon any 55020
person, the person may petition the commission to revoke or 55021
modify the subpoena. The commission shall grant the petition if 55022
it finds that the subpoena requires an appearance or attendance 55023
at an unreasonable time or place, that it requires production of 55024
evidence that does not relate to any matter before the 55025
commission, that it does not describe with sufficient 55026
particularity the evidence to be produced, that compliance would 55027
be unduly onerous, or for other good reason. 55028

(e) In case of contumacy or refusal to obey a subpoena, 55029
the commission or person at whose request it was issued may 55030
petition for its enforcement in the court of common pleas in the 55031
county in which the person to whom the subpoena was addressed 55032
resides, was served, or transacts business. 55033

(4) Create local or statewide advisory agencies and 55034
conciliation councils to aid in effectuating the purposes of 55035
this chapter. The commission may itself, or it may empower these 55036
agencies and councils to, do either or both of the following: 55037

(a) Study the problems of discrimination in all or 55038
specific fields of human relationships when based on race, 55039
color, religion, sex, military status, familial status, national 55040
origin, disability, age, or ancestry; 55041

(b) Foster through community effort, or otherwise, good 55042
will among the groups and elements of the population of the 55043
state. 55044

The agencies and councils may make recommendations to the 55045

commission for the development of policies and procedures in 55046
general. They shall be composed of representative citizens who 55047
shall serve without pay, except that reimbursement for actual 55048
and necessary traveling expenses shall be made to citizens who 55049
serve on a statewide agency or council. 55050

(5) Issue any publications and the results of 55051
investigations and research that in its judgment will tend to 55052
promote good will and minimize or eliminate discrimination 55053
because of race, color, religion, sex, military status, familial 55054
status, national origin, disability, age, or ancestry. 55055

Sec. 4112.12. (A) There is hereby created the commission 55056
on African-Americans, which shall consist of not more than 55057
thirteen members as follows: the directors or their designees of 55058
the departments of health, development, mental health and 55059
addiction services, and job and family services; ~~the~~ 55060
~~superintendent of public instruction;~~ the chancellor of higher 55061
education or the chancellor's designee; the director of 55062
education and workforce; two members of the house of 55063
representatives appointed by the speaker of the house of 55064
representatives each of whom shall be members of different 55065
political parties; and two members of the senate appointed by 55066
the president of the senate each of whom shall be members of 55067
different political parties. The members who are members of the 55068
general assembly shall be nonvoting members. The Ohio state 55069
university Bell national resource center, in consultation with 55070
the governor, shall appoint two members from the private 55071
corporate sector or the nonprofit sector, and one member with 55072
experience in the philanthropic community. 55073

(B) Terms of office shall be for three years, except that 55074
members of the general assembly appointed to the commission 55075

shall be members only so long as they are members of the general 55076
assembly. Each term ends on the same day of the same month as 55077
did the term that it succeeds. Each member shall hold office 55078
from the date of appointment until the end of the term for which 55079
the member was appointed. Members may be reappointed. Vacancies 55080
shall be filled in the manner provided for original 55081
appointments. Any member appointed to fill a vacancy occurring 55082
prior to the expiration date of the term for which the member's 55083
predecessor was appointed shall hold office as a member for the 55084
remainder of that term. A member shall continue in office 55085
subsequent to the expiration date of the member's term until the 55086
member's successor takes office or until a period of sixty days 55087
has elapsed, whichever occurs first. 55088

The commission annually shall elect a chairperson from 55089
among its members. 55090

(C) Members of the commission and members of subcommittees 55091
appointed under division (B) of section 4112.13 of the Revised 55092
Code shall not be compensated, but shall be reimbursed for their 55093
necessary and actual expenses incurred in the performance of 55094
their official duties. 55095

(D) The Ohio state university Bell national resource 55096
center, in consultation with the governor, shall appoint an 55097
executive director of the commission on African-Americans, who 55098
shall be in the unclassified civil service. The executive 55099
director shall supervise the commission's activities and report 55100
to the commission and to the Ohio state university Bell national 55101
resource center on the progress of those activities. The 55102
executive director shall do all things necessary for the 55103
efficient and effective implementation of the duties of the 55104
commission. 55105

The responsibilities assigned to the executive director do 55106
not relieve the members of the commission from final 55107
responsibility for the proper performance of the requirements of 55108
this division. 55109

(E) The commission on African-Americans shall do all of 55110
the following: 55111

(1) Employ, promote, supervise, and remove all employees, 55112
as needed, in connection with the performance of its duties 55113
under this section; 55114

(2) Maintain its office at the Ohio state university Bell 55115
national resource center; 55116

(3) Acquire facilities, equipment, and supplies necessary 55117
to house the commission, its employees, and files and records 55118
under its control, and to discharge any duty imposed upon it by 55119
law. The expense of these acquisitions shall be audited and paid 55120
for in the same manner as other state expenses. 55121

(4) Establish the overall policy and management of the 55122
commission in accordance with this chapter; 55123

(5) Follow all state procurement requirements; 55124

(6) Implement the policies and plans of the Ohio state 55125
university Bell national resource center as those policies and 55126
plans are formulated and adopted by the center; 55127

(7) Report to the Ohio state university Bell national 55128
resource center on the progress of the commission on African- 55129
Americans in implementing the policies and plans of the center. 55130

(F) The commission on African-Americans may: 55131

(1) Hold sessions at any place within the state, except 55132

that the commission shall meet at least quarterly; 55133

(2) Establish, change, or abolish positions, and assign 55134
and reassign duties and responsibilities of any employee of the 55135
commission as necessary to achieve the most efficient 55136
performance of its functions. 55137

(G) The Ohio state university Bell national resource 55138
center shall establish the overall policy and management of the 55139
commission on African-Americans and shall direct, manage, and 55140
oversee the commission. The center shall develop overall 55141
policies and plans, and the commission shall implement those 55142
policies and plans. The commission, through its executive 55143
director, shall keep the center informed as to the activities of 55144
the commission in such manner and at such times as the center 55145
shall determine. 55146

The Ohio state university Bell national resource center 55147
may prescribe duties and responsibilities of the commission in 55148
addition to those prescribed in section 4112.13 of the Revised 55149
Code. 55150

(H) The Ohio state university Bell national resource 55151
center annually shall contract for a report on the status of 55152
African Americans in this state. Issues to be evaluated in the 55153
report shall include the criminal justice system, education, 55154
employment, health care, and housing, and such other issues as 55155
the center may specify. The report shall include policy 55156
recommendations relating to the issues covered in the report. 55157

Sec. 4117.10. (A) An agreement between a public employer 55158
and an exclusive representative entered into pursuant to this 55159
chapter governs the wages, hours, and terms and conditions of 55160
public employment covered by the agreement. If the agreement 55161

provides for a final and binding arbitration of grievances, 55162
public employers, employees, and employee organizations are 55163
subject solely to that grievance procedure and the state 55164
personnel board of review or civil service commissions have no 55165
jurisdiction to receive and determine any appeals relating to 55166
matters that were the subject of a final and binding grievance 55167
procedure. Where no agreement exists or where an agreement makes 55168
no specification about a matter, the public employer and public 55169
employees are subject to all applicable state or local laws or 55170
ordinances pertaining to the wages, hours, and terms and 55171
conditions of employment for public employees. All of the 55172
following prevail over conflicting provisions of agreements 55173
between employee organizations and public employers: 55174

- (1) Laws pertaining to any of the following subjects: 55175
 - (a) Civil rights; 55176
 - (b) Affirmative action; 55177
 - (c) Unemployment compensation; 55178
 - (d) Workers' compensation; 55179
 - (e) The retirement of public employees; 55180
 - (f) Residency requirements; 55181
 - (g) The minimum educational requirements contained in the 55182
Revised Code pertaining to public education including the 55183
requirement of a certificate by the fiscal officer of a school 55184
district pursuant to section 5705.41 of the Revised Code; 55185
 - (h) The provisions of division (A) of section 124.34 of 55186
the Revised Code governing the disciplining of officers and 55187
employees who have been convicted of a felony; 55188

(i) The minimum standards promulgated by the ~~state board-~~ 55189
director of education and workforce pursuant to division (D) of 55190
section 3301.07 of the Revised Code. 55191

(2) The law pertaining to the leave of absence and 55192
compensation provided under section 5923.05 of the Revised Code, 55193
if the terms of the agreement contain benefits which are less 55194
than those contained in that section or the agreement contains 55195
no such terms and the public authority is the state or any 55196
agency, authority, commission, or board of the state or if the 55197
public authority is another entity listed in division (B) of 55198
section 4117.01 of the Revised Code that elects to provide leave 55199
of absence and compensation as provided in section 5923.05 of 55200
the Revised Code; 55201

(3) The law pertaining to the leave established under 55202
section 5906.02 of the Revised Code, if the terms of the 55203
agreement contain benefits that are less than those contained in 55204
section 5906.02 of the Revised Code; 55205

(4) The law pertaining to excess benefits prohibited under 55206
section 3345.311 of the Revised Code with respect to an 55207
agreement between an employee organization and a public employer 55208
entered into on or after ~~the effective date of this amendment-~~ 55209
September 29, 2015. 55210

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 55211
the Revised Code and arrangements entered into thereunder, and 55212
section 4981.21 of the Revised Code as necessary to comply with 55213
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 55214
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 55215
entered into thereunder, this chapter prevails over any and all 55216
other conflicting laws, resolutions, provisions, present or 55217
future, except as otherwise specified in this chapter or as 55218

otherwise specified by the general assembly. Nothing in this 55219
section prohibits or shall be construed to invalidate the 55220
provisions of an agreement establishing supplemental workers' 55221
compensation or unemployment compensation benefits or exceeding 55222
minimum requirements contained in the Revised Code pertaining to 55223
public education or the minimum standards promulgated by the 55224
~~state board~~ director of education and workforce pursuant to 55225
division (D) of section 3301.07 of the Revised Code. 55226

(B) The public employer shall submit a request for funds 55227
necessary to implement an agreement and for approval of any 55228
other matter requiring the approval of the appropriate 55229
legislative body to the legislative body within fourteen days of 55230
the date on which the parties finalize the agreement, unless 55231
otherwise specified, but if the appropriate legislative body is 55232
not in session at the time, then within fourteen days after it 55233
convenes. The legislative body must approve or reject the 55234
submission as a whole, and the submission is deemed approved if 55235
the legislative body fails to act within thirty days after the 55236
public employer submits the agreement. The parties may specify 55237
that those provisions of the agreement not requiring action by a 55238
legislative body are effective and operative in accordance with 55239
the terms of the agreement, provided there has been compliance 55240
with division (C) of this section. If the legislative body 55241
rejects the submission of the public employer, either party may 55242
reopen all or part of the entire agreement. 55243

As used in this section, "legislative body" includes the 55244
governing board of a municipal corporation, school district, 55245
college or university, village, township, or board of county 55246
commissioners or any other body that has authority to approve 55247
the budget of their public jurisdiction and, with regard to the 55248
state, "legislative body" means the controlling board. 55249

(C) The chief executive officer, or the chief executive officer's representative, of each municipal corporation, the designated representative of the board of education of each school district, college or university, or any other body that has authority to approve the budget of their public jurisdiction, the designated representative of the board of county commissioners and of each elected officeholder of the county whose employees are covered by the collective negotiations, and the designated representative of the village or the board of township trustees of each township is responsible for negotiations in the collective bargaining process; except that the legislative body may accept or reject a proposed collective bargaining agreement. When the matters about which there is agreement are reduced to writing and approved by the employee organization and the legislative body, the agreement is binding upon the legislative body, the employer, and the employee organization and employees covered by the agreement.

(D) There is hereby established an office of collective bargaining in the department of administrative services for the purpose of negotiating with and entering into written agreements between state agencies, departments, boards, and commissions and the exclusive representative on matters of wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. Nothing in any provision of law to the contrary shall be interpreted as excluding the bureau of workers' compensation and the industrial commission from the preceding sentence. This office shall not negotiate on behalf of other statewide elected officials or boards of trustees of state institutions of higher education who shall be considered as

separate public employers for the purposes of this chapter; 55281
however, the office may negotiate on behalf of these officials 55282
or trustees where authorized by the officials or trustees. The 55283
staff of the office of collective bargaining are in the 55284
unclassified service. The director of administrative services 55285
shall fix the compensation of the staff. 55286

The office of collective bargaining shall: 55287

(1) Assist the director in formulating management's 55288
philosophy for public collective bargaining as well as planning 55289
bargaining strategies; 55290

(2) Conduct negotiations with the exclusive 55291
representatives of each employee organization; 55292

(3) Coordinate the state's resources in all mediation, 55293
fact-finding, and arbitration cases as well as in all labor 55294
disputes; 55295

(4) Conduct systematic reviews of collective bargaining 55296
agreements for the purpose of contract negotiations; 55297

(5) Coordinate the systematic compilation of data by all 55298
agencies that is required for negotiating purposes; 55299

(6) Prepare and submit an annual report and other reports 55300
as requested to the governor and the general assembly on the 55301
implementation of this chapter and its impact upon state 55302
government. 55303

Sec. 4117.102. The state employment relations board shall 55304
compile a list of the school districts in the state that have 55305
filed with the board agreements entered into with teacher 55306
employee organizations under this chapter. The board shall 55307
annually update the list to reflect, for each district, for the 55308

current fiscal year, the starting salary in the district for 55309
teachers with no prior teaching experience who hold bachelors 55310
degrees. The board shall send a copy of each annually updated 55311
list to the ~~state board~~ department of education and workforce. 55312

Sec. 4141.01. As used in this chapter, unless the context 55313
otherwise requires: 55314

(A) (1) "Employer" means the state, its instrumentalities, 55315
its political subdivisions and their instrumentalities, Indian 55316
tribes, and any individual or type of organization including any 55317
partnership, limited liability company, association, trust, 55318
estate, joint-stock company, insurance company, or corporation, 55319
whether domestic or foreign, or the receiver, trustee in 55320
bankruptcy, trustee, or the successor thereof, or the legal 55321
representative of a deceased person who subsequent to December 55322
31, 1971, or in the case of political subdivisions or their 55323
instrumentalities, subsequent to December 31, 1973: 55324

(a) Had in employment at least one individual, or in the 55325
case of a nonprofit organization, subsequent to December 31, 55326
1973, had not less than four individuals in employment for some 55327
portion of a day in each of twenty different calendar weeks, in 55328
either the current or the preceding calendar year whether or not 55329
the same individual was in employment in each such day; or 55330

(b) Except for a nonprofit organization, had paid for 55331
service in employment wages of fifteen hundred dollars or more 55332
in any calendar quarter in either the current or preceding 55333
calendar year; or 55334

(c) Had paid, subsequent to December 31, 1977, for 55335
employment in domestic service in a local college club, or local 55336
chapter of a college fraternity or sorority, cash remuneration 55337

of one thousand dollars or more in any calendar quarter in the 55338
current calendar year or the preceding calendar year, or had 55339
paid subsequent to December 31, 1977, for employment in domestic 55340
service in a private home cash remuneration of one thousand 55341
dollars in any calendar quarter in the current calendar year or 55342
the preceding calendar year: 55343

(i) For the purposes of divisions (A)(1)(a) and (b) of 55344
this section, there shall not be taken into account any wages 55345
paid to, or employment of, an individual performing domestic 55346
service as described in this division. 55347

(ii) An employer under this division shall not be an 55348
employer with respect to wages paid for any services other than 55349
domestic service unless the employer is also found to be an 55350
employer under division (A)(1)(a), (b), or (d) of this section. 55351

(d) As a farm operator or a crew leader subsequent to 55352
December 31, 1977, had in employment individuals in agricultural 55353
labor; and 55354

(i) During any calendar quarter in the current calendar 55355
year or the preceding calendar year, paid cash remuneration of 55356
twenty thousand dollars or more for the agricultural labor; or 55357

(ii) Had at least ten individuals in employment in 55358
agricultural labor, not including agricultural workers who are 55359
aliens admitted to the United States to perform agricultural 55360
labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the 55361
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 55362
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in 55363
each of the twenty different calendar weeks, in either the 55364
current or preceding calendar year whether or not the same 55365
individual was in employment in each day; or 55366

(e) Is not otherwise an employer as defined under division 55367
(A) (1) (a) or (b) of this section; and 55368

(i) For which, within either the current or preceding 55369
calendar year, service, except for domestic service in a private 55370
home not covered under division (A) (1) (c) of this section, is or 55371
was performed with respect to which such employer is liable for 55372
any federal tax against which credit may be taken for 55373
contributions required to be paid into a state unemployment 55374
fund; 55375

(ii) Which, as a condition for approval of this chapter 55376
for full tax credit against the tax imposed by the "Federal 55377
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 55378
is required, pursuant to such act to be an employer under this 55379
chapter; or 55380

(iii) Who became an employer by election under division 55381
(A) (4) or (5) of this section and for the duration of such 55382
election; or 55383

(f) In the case of the state, its instrumentalities, its 55384
political subdivisions, and their instrumentalities, and Indian 55385
tribes, had in employment, as defined in divisions (B) (2) (a) and 55386
(B) (2) (1) of this section, at least one individual; 55387

(g) For the purposes of division (A) (1) (a) of this 55388
section, if any week includes both the thirty-first day of 55389
December and the first day of January, the days of that week 55390
before the first day of January shall be considered one calendar 55391
week and the days beginning the first day of January another 55392
week. 55393

(2) Each individual employed to perform or to assist in 55394
performing the work of any agent or employee of an employer is 55395

employed by such employer for all the purposes of this chapter, 55396
whether such individual was hired or paid directly by such 55397
employer or by such agent or employee, provided the employer had 55398
actual or constructive knowledge of the work. All individuals 55399
performing services for an employer of any person in this state 55400
who maintains two or more establishments within this state are 55401
employed by a single employer for the purposes of this chapter. 55402

(3) An employer subject to this chapter within any 55403
calendar year is subject to this chapter during the whole of 55404
such year and during the next succeeding calendar year. 55405

(4) An employer not otherwise subject to this chapter who 55406
files with the director of job and family services a written 55407
election to become an employer subject to this chapter for not 55408
less than two calendar years shall, with the written approval of 55409
such election by the director, become an employer subject to 55410
this chapter to the same extent as all other employers as of the 55411
date stated in such approval, and shall cease to be subject to 55412
this chapter as of the first day of January of any calendar year 55413
subsequent to such two calendar years only if at least thirty 55414
days prior to such first day of January the employer has filed 55415
with the director a written notice to that effect. 55416

(5) Any employer for whom services that do not constitute 55417
employment are performed may file with the director a written 55418
election that all such services performed by individuals in the 55419
employer's employ in one or more distinct establishments or 55420
places of business shall be deemed to constitute employment for 55421
all the purposes of this chapter, for not less than two calendar 55422
years. Upon written approval of the election by the director, 55423
such services shall be deemed to constitute employment subject 55424
to this chapter from and after the date stated in such approval. 55425

Such services shall cease to be employment subject to this 55426
chapter as of the first day of January of any calendar year 55427
subsequent to such two calendar years only if at least thirty 55428
days prior to such first day of January such employer has filed 55429
with the director a written notice to that effect. 55430

(6) "Employer" does not include a franchisor with respect 55431
to the franchisor's relationship with a franchisee or an 55432
employee of a franchisee, unless the franchisor agrees to assume 55433
that role in writing or a court of competent jurisdiction 55434
determines that the franchisor exercises a type or degree of 55435
control over the franchisee or the franchisee's employees that 55436
is not customarily exercised by a franchisor for the purpose of 55437
protecting the franchisor's trademark, brand, or both. For 55438
purposes of this division, "franchisor" and "franchisee" have 55439
the same meanings as in 16 C.F.R. 436.1. 55440

(B) (1) "Employment" means service performed by an 55441
individual for remuneration under any contract of hire, written 55442
or oral, express or implied, including service performed in 55443
interstate commerce and service performed by an officer of a 55444
corporation, without regard to whether such service is 55445
executive, managerial, or manual in nature, and without regard 55446
to whether such officer is a stockholder or a member of the 55447
board of directors of the corporation, unless it is shown to the 55448
satisfaction of the director that such individual has been and 55449
will continue to be free from direction or control over the 55450
performance of such service, both under a contract of service 55451
and in fact. The director shall adopt rules to define "direction 55452
or control." 55453

(2) "Employment" includes: 55454

(a) Service performed after December 31, 1977, by an 55455

individual in the employ of the state or any of its 55456
instrumentalities, or any political subdivision thereof or any 55457
of its instrumentalities or any instrumentality of more than one 55458
of the foregoing or any instrumentality of any of the foregoing 55459
and one or more other states or political subdivisions and 55460
without regard to divisions (A) (1) (a) and (b) of this section, 55461
provided that such service is excluded from employment as 55462
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 55463
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 55464
(3) of this section; or the services of employees covered by 55465
voluntary election, as provided under divisions (A) (4) and (5) 55466
of this section; 55467

(b) Service performed after December 31, 1971, by an 55468
individual in the employ of a religious, charitable, 55469
educational, or other organization which is excluded from the 55470
term "employment" as defined in the "Federal Unemployment Tax 55471
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 55472
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 55473
excluded under division (B) (3) of this section; 55474

(c) Domestic service performed after December 31, 1977, 55475
for an employer, as provided in division (A) (1) (c) of this 55476
section; 55477

(d) Agricultural labor performed after December 31, 1977, 55478
for a farm operator or a crew leader, as provided in division 55479
(A) (1) (d) of this section; 55480

(e) Subject to division (B) (2) (m) of this section, service 55481
not covered under division (B) (1) of this section which is 55482
performed after December 31, 1971: 55483

(i) As an agent-driver or commission-driver engaged in 55484

distributing meat products, vegetable products, fruit products, 55485
bakery products, beverages other than milk, laundry, or dry- 55486
cleaning services, for the individual's employer or principal; 55487

(ii) As a traveling or city salesperson, other than as an 55488
agent-driver or commission-driver, engaged on a full-time basis 55489
in the solicitation on behalf of and in the transmission to the 55490
salesperson's employer or principal except for sideline sales 55491
activities on behalf of some other person of orders from 55492
wholesalers, retailers, contractors, or operators of hotels, 55493
restaurants, or other similar establishments for merchandise for 55494
resale, or supplies for use in their business operations, 55495
provided that for the purposes of division (B) (2) (e) (ii) of this 55496
section, the services shall be deemed employment if the contract 55497
of service contemplates that substantially all of the services 55498
are to be performed personally by the individual and that the 55499
individual does not have a substantial investment in facilities 55500
used in connection with the performance of the services other 55501
than in facilities for transportation, and the services are not 55502
in the nature of a single transaction that is not a part of a 55503
continuing relationship with the person for whom the services 55504
are performed. 55505

(f) An individual's entire service performed within or 55506
both within and without the state if: 55507

(i) The service is localized in this state. 55508

(ii) The service is not localized in any state, but some 55509
of the service is performed in this state and either the base of 55510
operations, or if there is no base of operations then the place 55511
from which such service is directed or controlled, is in this 55512
state or the base of operations or place from which such service 55513
is directed or controlled is not in any state in which some part 55514

of the service is performed but the individual's residence is in 55515
this state. 55516

(g) Service not covered under division (B) (2) (f) (ii) of 55517
this section and performed entirely without this state, with 55518
respect to no part of which contributions are required and paid 55519
under an unemployment compensation law of any other state, the 55520
Virgin Islands, Canada, or of the United States, if the 55521
individual performing such service is a resident of this state 55522
and the director approves the election of the employer for whom 55523
such services are performed; or, if the individual is not a 55524
resident of this state but the place from which the service is 55525
directed or controlled is in this state, the entire services of 55526
such individual shall be deemed to be employment subject to this 55527
chapter, provided service is deemed to be localized within this 55528
state if the service is performed entirely within this state or 55529
if the service is performed both within and without this state 55530
but the service performed without this state is incidental to 55531
the individual's service within the state, for example, is 55532
temporary or transitory in nature or consists of isolated 55533
transactions; 55534

(h) Service of an individual who is a citizen of the 55535
United States, performed outside the United States except in 55536
Canada after December 31, 1971, or the Virgin Islands, after 55537
December 31, 1971, and before the first day of January of the 55538
year following that in which the United States secretary of 55539
labor approves the Virgin Islands law for the first time, in the 55540
employ of an American employer, other than service which is 55541
"employment" under divisions (B) (2) (f) and (g) of this section 55542
or similar provisions of another state's law, if: 55543

(i) The employer's principal place of business in the 55544

United States is located in this state; 55545

(ii) The employer has no place of business in the United 55546
States, but the employer is an individual who is a resident of 55547
this state; or the employer is a corporation which is organized 55548
under the laws of this state, or the employer is a partnership 55549
or a trust and the number of partners or trustees who are 55550
residents of this state is greater than the number who are 55551
residents of any other state; or 55552

(iii) None of the criteria of divisions (B) (2) (f) (i) and 55553
(ii) of this section is met but the employer has elected 55554
coverage in this state or the employer having failed to elect 55555
coverage in any state, the individual has filed a claim for 55556
benefits, based on such service, under this chapter. 55557

(i) For the purposes of division (B) (2) (h) of this 55558
section, the term "American employer" means an employer who is 55559
an individual who is a resident of the United States; or a 55560
partnership, if two-thirds or more of the partners are residents 55561
of the United States; or a trust, if all of the trustees are 55562
residents of the United States; or a corporation organized under 55563
the laws of the United States or of any state, provided the term 55564
"United States" includes the states, the District of Columbia, 55565
the Commonwealth of Puerto Rico, and the Virgin Islands. 55566

(j) Notwithstanding any other provisions of divisions (B) 55567
(1) and (2) of this section, service, except for domestic 55568
service in a private home not covered under division (A) (1) (c) 55569
of this section, with respect to which a tax is required to be 55570
paid under any federal law imposing a tax against which credit 55571
may be taken for contributions required to be paid into a state 55572
unemployment fund, or service, except for domestic service in a 55573
private home not covered under division (A) (1) (c) of this 55574

section, which, as a condition for full tax credit against the 55575
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 55576
26 U.S.C.A. 3301 to 3311, is required to be covered under this 55577
chapter. 55578

(k) Construction services performed by any individual 55579
under a construction contract, as defined in section 4141.39 of 55580
the Revised Code, if the director determines that the employer 55581
for whom services are performed has the right to direct or 55582
control the performance of the services and that the individuals 55583
who perform the services receive remuneration for the services 55584
performed. The director shall presume that the employer for whom 55585
services are performed has the right to direct or control the 55586
performance of the services if ten or more of the following 55587
criteria apply: 55588

(i) The employer directs or controls the manner or method 55589
by which instructions are given to the individual performing 55590
services; 55591

(ii) The employer requires particular training for the 55592
individual performing services; 55593

(iii) Services performed by the individual are integrated 55594
into the regular functioning of the employer; 55595

(iv) The employer requires that services be provided by a 55596
particular individual; 55597

(v) The employer hires, supervises, or pays the wages of 55598
the individual performing services; 55599

(vi) A continuing relationship between the employer and 55600
the individual performing services exists which contemplates 55601
continuing or recurring work, even if not full-time work; 55602

(vii) The employer requires the individual to perform services during established hours;	55603 55604
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	55605 55606 55607
(ix) The employer requires the individual to perform services on the employer's premises;	55608 55609
(x) The employer requires the individual performing services to follow the order of work established by the employer;	55610 55611 55612
(xi) The employer requires the individual performing services to make oral or written reports of progress;	55613 55614
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	55615 55616
(xiii) The employer pays expenses for the individual performing services;	55617 55618
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	55619 55620
(xv) The individual performing services has not invested in the facilities used to perform services;	55621 55622
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	55623 55624 55625
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	55626 55627
(xviii) The individual performing services does not make the services available to the general public;	55628 55629

- (xix) The employer has a right to discharge the individual performing services; 55630
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- (xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement. 55632
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- (l) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c) (7) and is not excluded under division (B) (3) of this section. 55636
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- (m) Service performed by an individual for or on behalf of a motor carrier transporting property as an operator of a vehicle or vessel, unless all of the following factors apply to the individual and the motor carrier has not elected to consider the individual's service as employment: 55645
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- (i) The individual owns the vehicle or vessel that is used in performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services. 55650
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- (ii) The individual is responsible for supplying the 55658

necessary personal services to operate the vehicle or vessel 55659
used to provide the service. 55660

(iii) The compensation paid to the individual is based on 55661
factors related to work performed, including on a mileage-based 55662
rate or a percentage of any schedule of rates, and not solely on 55663
the basis of the hours or time expended. 55664

(iv) The individual substantially controls the means and 55665
manner of performing the services, in conformance with 55666
regulatory requirements and specifications of the shipper. 55667

(v) The individual enters into a written contract with the 55668
carrier for whom the individual is performing the services that 55669
describes the relationship between the individual and the 55670
carrier to be that of an independent contractor and not that of 55671
an employee. 55672

(vi) The individual is responsible for substantially all 55673
of the principal operating costs of the vehicle or vessel and 55674
equipment used to provide the services, including maintenance, 55675
fuel, repairs, supplies, vehicle or vessel insurance, and 55676
personal expenses, except that the individual may be paid by the 55677
carrier the carrier's fuel surcharge and incidental costs, 55678
including tolls, permits, and lumper fees. 55679

(vii) The individual is responsible for any economic loss 55680
or economic gain from the arrangement with the carrier. 55681

(viii) The individual is not performing services described 55682
in 26 U.S.C. 3306(c) (7) or (8). 55683

(3) "Employment" does not include the following services 55684
if they are found not subject to the "Federal Unemployment Tax 55685
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 55686
services are not required to be included under division (B) (2) 55687

(j) of this section:	55688
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A) (1) (d) of this section;	55689 55690 55691
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A) (1) (c) of this section;	55692 55693 55694 55695
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B) (2) (a) of this section when performed:	55696 55697 55698
(i) As a publicly elected official;	55699
(ii) As a member of a legislative body, or a member of the judiciary;	55700 55701
(iii) As a military member of the Ohio national guard;	55702
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	55703 55704 55705 55706
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	55707 55708 55709 55710 55711 55712
(d) In the employ of any governmental unit or instrumentality of the United States;	55713 55714

(e) Service performed after December 31, 1971:	55715
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	55716 55717 55718 55719 55720 55721
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.	55722 55723 55724 55725 55726 55727 55728 55729 55730 55731 55732
(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;	55733 55734 55735 55736
(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:	55737 55738 55739 55740 55741 55742 55743 55744

(i) By an individual for an employer as an insurance agent	55745
or as an insurance solicitor, if all this service is performed	55746
for remuneration solely by way of commission;	55747
(ii) As a home worker performing work, according to	55748
specifications furnished by the employer for whom the services	55749
are performed, on materials or goods furnished by such employer	55750
which are required to be returned to the employer or to a person	55751
designated for that purpose.	55752
(h) Service performed after December 31, 1971:	55753
(i) In the employ of a church or convention or association	55754
of churches, or in an organization which is operated primarily	55755
for religious purposes and which is operated, supervised,	55756
controlled, or principally supported by a church or convention	55757
or association of churches;	55758
(ii) By a duly ordained, commissioned, or licensed	55759
minister of a church in the exercise of the individual's	55760
ministry or by a member of a religious order in the exercise of	55761
duties required by such order; or	55762
(iii) In a facility conducted for the purpose of carrying	55763
out a program of rehabilitation for individuals whose earning	55764
capacity is impaired by age or physical or mental disability or	55765
injury, or providing remunerative work for individuals who	55766
because of their impaired physical or mental capacity cannot be	55767
readily absorbed in the competitive labor market, by an	55768
individual receiving such rehabilitation or remunerative work.	55769
(i) Service performed after June 30, 1939, with respect to	55770
which unemployment compensation is payable under the "Railroad	55771
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C.	55772
351;	55773

(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan association, savings and loan association, or savings association when the remuneration for such incidental service exclusive of the amount paid or allotted for directors' fees does not exceed sixty dollars per calendar quarter is casual labor;

(l) Service performed in the employ of a voluntary employees' beneficial association providing for the payment of life, sickness, accident, or other benefits to the members of such association or their dependents or their designated beneficiaries, if admission to a membership in such association is limited to individuals who are officers or employees of a municipal or public corporation, of a political subdivision of the state, or of the United States and no part of the net earnings of such association inures, other than through such payments, to the benefit of any private shareholder or individual;

(m) Service performed by an individual in the employ of a foreign government, including service as a consular or other

officer or employee or of a nondiplomatic representative; 55804

(n) Service performed in the employ of an instrumentality 55805
wholly owned by a foreign government if the service is of a 55806
character similar to that performed in foreign countries by 55807
employees of the United States or of an instrumentality thereof 55808
and if the director finds that the secretary of state of the 55809
United States has certified to the secretary of the treasury of 55810
the United States that the foreign government, with respect to 55811
whose instrumentality exemption is claimed, grants an equivalent 55812
exemption with respect to similar service performed in the 55813
foreign country by employees of the United States and of 55814
instrumentalities thereof; 55815

(o) Service with respect to which unemployment 55816
compensation is payable under an unemployment compensation 55817
system established by an act of congress; 55818

(p) Service performed as a student nurse in the employ of 55819
a hospital or a nurses' training school by an individual who is 55820
enrolled and is regularly attending classes in a nurses' 55821
training school chartered or approved pursuant to state law, and 55822
service performed as an intern in the employ of a hospital by an 55823
individual who has completed a four years' course in a medical 55824
school chartered or approved pursuant to state law; 55825

(q) Service performed by an individual under the age of 55826
eighteen in the delivery or distribution of newspapers or 55827
shopping news, not including delivery or distribution to any 55828
point for subsequent delivery or distribution; 55829

(r) Service performed in the employ of the United States 55830
or an instrumentality of the United States immune under the 55831
Constitution of the United States from the contributions imposed 55832

by this chapter, except that to the extent that congress permits 55833
states to require any instrumentalities of the United States to 55834
make payments into an unemployment fund under a state 55835
unemployment compensation act, this chapter shall be applicable 55836
to such instrumentalities and to services performed for such 55837
instrumentalities in the same manner, to the same extent, and on 55838
the same terms as to all other employers, individuals, and 55839
services, provided that if this state is not certified for any 55840
year by the proper agency of the United States under section 55841
3304 of the "Internal Revenue Code of 1954," the payments 55842
required of such instrumentalities with respect to such year 55843
shall be refunded by the director from the fund in the same 55844
manner and within the same period as is provided in division (E) 55845
of section 4141.09 of the Revised Code with respect to 55846
contributions erroneously collected; 55847

(s) Service performed by an individual as a member of a 55848
band or orchestra, provided such service does not represent the 55849
principal occupation of such individual, and which service is 55850
not subject to or required to be covered for full tax credit 55851
against the tax imposed by the "Federal Unemployment Tax Act," 55852
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 55853

(t) Service performed in the employ of a day camp whose 55854
camping season does not exceed twelve weeks in any calendar 55855
year, and which service is not subject to the "Federal 55856
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 55857
3311. Service performed after December 31, 1971: 55858

(i) In the employ of a hospital, if the service is 55859
performed by a patient of the hospital, as defined in division 55860
(W) of this section; 55861

(ii) For a prison or other correctional institution by an 55862

inmate of the prison or correctional institution; 55863

(iii) Service performed after December 31, 1977, by an 55864
inmate of a custodial institution operated by the state, a 55865
political subdivision, or a nonprofit organization. 55866

(u) Service that is performed by a nonresident alien 55867
individual for the period the individual temporarily is present 55868
in the United States as a nonimmigrant under division (F), (J), 55869
(M), or (Q) of section 101(a)(15) of the "Immigration and 55870
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 55871
that is excluded under section 3306(c)(19) of the "Federal 55872
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 55873
3311. 55874

(v) Notwithstanding any other provisions of division (B) 55875
(3) of this section, services that are excluded under divisions 55876
(B)(3)(g), (j), (k), and (l) of this section shall not be 55877
excluded from employment when performed for a nonprofit 55878
organization, as defined in division (X) of this section, or for 55879
this state or its instrumentalities, or for a political 55880
subdivision or its instrumentalities or for Indian tribes; 55881

(w) Service that is performed by an individual working as 55882
an election official or election worker if the amount of 55883
remuneration received by the individual during the calendar year 55884
for services as an election official or election worker is less 55885
than one thousand dollars; 55886

(x) Service performed for an elementary or secondary 55887
school that is operated primarily for religious purposes, that 55888
is described in subsection 501(c)(3) and exempt from federal 55889
income taxation under subsection 501(a) of the Internal Revenue 55890
Code, 26 U.S.C.A. 501; 55891

(y) Service performed by a person committed to a penal institution.	55892 55893
(z) Service performed for an Indian tribe as described in division (B) (2) (1) of this section when performed in any of the following manners:	55894 55895 55896
(i) As a publicly elected official;	55897
(ii) As a member of an Indian tribal council;	55898
(iii) As a member of a legislative or judiciary body;	55899
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	55900 55901 55902 55903 55904
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	55905 55906 55907
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training.	55908 55909 55910 55911 55912 55913 55914 55915
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	55916 55917
(4) If the services performed during one half or more of any pay period by an employee for the person employing that	55918 55919

employee constitute employment, all the services of such 55920
employee for such period shall be deemed to be employment; but 55921
if the services performed during more than one half of any such 55922
pay period by an employee for the person employing that employee 55923
do not constitute employment, then none of the services of such 55924
employee for such period shall be deemed to be employment. As 55925
used in division (B) (4) of this section, "pay period" means a 55926
period, of not more than thirty-one consecutive days, for which 55927
payment of remuneration is ordinarily made to the employee by 55928
the person employing that employee. Division (B) (4) of this 55929
section does not apply to services performed in a pay period by 55930
an employee for the person employing that employee, if any of 55931
such service is excepted by division (B) (3) (o) of this section. 55932

(C) "Benefits" means money payments payable to an 55933
individual who has established benefit rights, as provided in 55934
this chapter, for loss of remuneration due to the individual's 55935
unemployment. 55936

(D) "Benefit rights" means the weekly benefit amount and 55937
the maximum benefit amount that may become payable to an 55938
individual within the individual's benefit year as determined by 55939
the director. 55940

(E) "Claim for benefits" means a claim for waiting period 55941
or benefits for a designated week. 55942

(F) "Additional claim" means the first claim for benefits 55943
filed following any separation from employment during a benefit 55944
year; "continued claim" means any claim other than the first 55945
claim for benefits and other than an additional claim. 55946

(G) "Wages" means remuneration paid to an employee by each 55947
of the employee's employers with respect to employment; except 55948

that wages shall not include that part of remuneration paid 55949
during any calendar year to an individual by an employer or such 55950
employer's predecessor in interest in the same business or 55951
enterprise, which in any calendar year is in excess of nine 55952
thousand dollars on and after January 1, 1995; nine thousand 55953
five hundred dollars on and after January 1, 2018; and nine 55954
thousand dollars on and after January 1, 2020. Remuneration in 55955
excess of such amounts shall be deemed wages subject to 55956
contribution to the same extent that such remuneration is 55957
defined as wages under the "Federal Unemployment Tax Act," 84 55958
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 55959
remuneration paid an employee by an employer with respect to 55960
employment in another state, upon which contributions were 55961
required and paid by such employer under the unemployment 55962
compensation act of such other state, shall be included as a 55963
part of remuneration in computing the amount specified in this 55964
division. 55965

(H) (1) "Remuneration" means all compensation for personal 55966
services, including commissions and bonuses and the cash value 55967
of all compensation in any medium other than cash, except that 55968
in the case of agricultural or domestic service, "remuneration" 55969
includes only cash remuneration. Gratuities customarily received 55970
by an individual in the course of the individual's employment 55971
from persons other than the individual's employer and which are 55972
accounted for by such individual to the individual's employer 55973
are taxable wages. 55974

The reasonable cash value of compensation paid in any 55975
medium other than cash shall be estimated and determined in 55976
accordance with rules prescribed by the director, provided that 55977
"remuneration" does not include: 55978

(a) Payments as provided in divisions (b) (2) to (b) (20) of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, as amended;

(b) The payment by an employer, without deduction from the remuneration of the individual in the employer's employ, of the tax imposed upon an individual in the employer's employ under section 3101 of the "Internal Revenue Code of 1954," with respect to services performed after October 1, 1941.

(2) "Cash remuneration" means all remuneration paid in cash, including commissions and bonuses, but not including the cash value of all compensation in any medium other than cash.

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last day of the second calendar quarter of any calendar year.

(K) "Average annual payroll" means the average of the last three annual payrolls of an employer, provided that if, as of any computation date, the employer has had less than three annual payrolls in such three-year period, such average shall be based on the annual payrolls which the employer has had as of such date.

(L) (1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under

section 4141.242 of the Revised Code. Employers paying 56008
contributions shall be described as "contributory employers." 56009

(2) "Payments in lieu of contributions" means the money 56010
payments to the state unemployment compensation fund required of 56011
reimbursing employers under sections 4141.241 and 4141.242 of 56012
the Revised Code. 56013

(M) An individual is "totally unemployed" in any week 56014
during which the individual performs no services and with 56015
respect to such week no remuneration is payable to the 56016
individual. 56017

(N) An individual is "partially unemployed" in any week 56018
if, due to involuntary loss of work, the total remuneration 56019
payable to the individual for such week is less than the 56020
individual's weekly benefit amount. 56021

(O) "Week" means the calendar week ending at midnight 56022
Saturday unless an equivalent week of seven consecutive calendar 56023
days is prescribed by the director. 56024

(1) "Qualifying week" means any calendar week in an 56025
individual's base period with respect to which the individual 56026
earns or is paid remuneration in employment subject to this 56027
chapter. A calendar week with respect to which an individual 56028
earns remuneration but for which payment was not made within the 56029
base period, when necessary to qualify for benefit rights, may 56030
be considered to be a qualifying week. The number of qualifying 56031
weeks which may be established in a calendar quarter shall not 56032
exceed the number of calendar weeks in the quarter. 56033

(2) "Average weekly wage" means the amount obtained by 56034
dividing an individual's total remuneration for all qualifying 56035
weeks during the base period by the number of such qualifying 56036

weeks, provided that if the computation results in an amount 56037
that is not a multiple of one dollar, such amount shall be 56038
rounded to the next lower multiple of one dollar. 56039

(P) "Weekly benefit amount" means the amount of benefits 56040
an individual would be entitled to receive for one week of total 56041
unemployment. 56042

(Q) (1) "Base period" means the first four of the last five 56043
completed calendar quarters immediately preceding the first day 56044
of an individual's benefit year, except as provided in division 56045
(Q) (2) of this section. 56046

(2) If an individual does not have sufficient qualifying 56047
weeks and wages in the base period to qualify for benefit 56048
rights, the individual's base period shall be the four most 56049
recently completed calendar quarters preceding the first day of 56050
the individual's benefit year. Such base period shall be known 56051
as the "alternate base period." If information as to weeks and 56052
wages for the most recent quarter of the alternate base period 56053
is not available to the director from the regular quarterly 56054
reports of wage information, which are systematically 56055
accessible, the director may, consistent with the provisions of 56056
section 4141.28 of the Revised Code, base the determination of 56057
eligibility for benefits on the affidavit of the claimant with 56058
respect to weeks and wages for that calendar quarter. The 56059
claimant shall furnish payroll documentation, where available, 56060
in support of the affidavit. The determination based upon the 56061
alternate base period as it relates to the claimant's benefit 56062
rights, shall be amended when the quarterly report of wage 56063
information from the employer is timely received and that 56064
information causes a change in the determination. As provided in 56065
division (B) of section 4141.28 of the Revised Code, any 56066

benefits paid and charged to an employer's account, based upon a 56067
claimant's affidavit, shall be adjusted effective as of the 56068
beginning of the claimant's benefit year. No calendar quarter in 56069
a base period or alternate base period shall be used to 56070
establish a subsequent benefit year. 56071

(3) The "base period" of a combined wage claim, as 56072
described in division (H) of section 4141.43 of the Revised 56073
Code, shall be the base period prescribed by the law of the 56074
state in which the claim is allowed. 56075

(4) For purposes of determining the weeks that comprise a 56076
completed calendar quarter under this division, only those weeks 56077
ending at midnight Saturday within the calendar quarter shall be 56078
utilized. 56079

(R)(1) "Benefit year" with respect to an individual means 56080
the fifty-two week period beginning with the first day of that 56081
week with respect to which the individual first files a valid 56082
application for determination of benefit rights, and thereafter 56083
the fifty-two week period beginning with the first day of that 56084
week with respect to which the individual next files a valid 56085
application for determination of benefit rights after the 56086
termination of the individual's last preceding benefit year, 56087
except that the application shall not be considered valid unless 56088
the individual has had employment in six weeks that is subject 56089
to this chapter or the unemployment compensation act of another 56090
state, or the United States, and has, since the beginning of the 56091
individual's previous benefit year, in the employment earned 56092
three times the average weekly wage determined for the previous 56093
benefit year. The "benefit year" of a combined wage claim, as 56094
described in division (H) of section 4141.43 of the Revised 56095
Code, shall be the benefit year prescribed by the law of the 56096

state in which the claim is allowed. Any application for 56097
determination of benefit rights made in accordance with section 56098
4141.28 of the Revised Code is valid if the individual filing 56099
such application is unemployed, has been employed by an employer 56100
or employers subject to this chapter in at least twenty 56101
qualifying weeks within the individual's base period, and has 56102
earned or been paid remuneration at an average weekly wage of 56103
not less than twenty-seven and one-half per cent of the 56104
statewide average weekly wage for such weeks. For purposes of 56105
determining whether an individual has had sufficient employment 56106
since the beginning of the individual's previous benefit year to 56107
file a valid application, "employment" means the performance of 56108
services for which remuneration is payable. 56109

(2) Effective for benefit years beginning on and after 56110
December 26, 2004, but before July 1, 2022, any application for 56111
determination of benefit rights made in accordance with section 56112
4141.28 of the Revised Code is valid if the individual satisfies 56113
the criteria described in division (R) (1) of this section, and 56114
if the reason for the individual's separation from employment is 56115
not disqualifying pursuant to division (D) (2) of section 4141.29 56116
or section 4141.291 of the Revised Code. A disqualification 56117
imposed pursuant to division (D) (2) of section 4141.29 or 56118
section 4141.291 of the Revised Code must be removed as provided 56119
in those sections as a requirement of establishing a valid 56120
application for benefit years beginning on and after December 56121
26, 2004, but before July 1, 2022. Effective for benefit years 56122
beginning on and after July 1, 2022, any application for 56123
determination of benefit rights made in accordance with section 56124
4141.28 of the Revised Code is valid if the individual satisfies 56125
the criteria described in division (R) (1) of this section. A 56126
disqualification imposed pursuant to division (D) (2) of section 56127

4141.29 or section 4141.291 of the Revised Code does not affect 56128
the validity of an application. 56129

(3) The statewide average weekly wage shall be calculated 56130
by the director once a year based on the twelve-month period 56131
ending the thirtieth day of June, as set forth in division (B) 56132
(3) of section 4141.30 of the Revised Code, rounded down to the 56133
nearest dollar. Increases or decreases in the amount of 56134
remuneration required to have been earned or paid in order for 56135
individuals to have filed valid applications shall become 56136
effective on Sunday of the calendar week in which the first day 56137
of January occurs that follows the twelve-month period ending 56138
the thirtieth day of June upon which the calculation of the 56139
statewide average weekly wage was based. 56140

(4) As used in this division, an individual is 56141
"unemployed" if, with respect to the calendar week in which such 56142
application is filed, the individual is "partially unemployed" 56143
or "totally unemployed" as defined in this section or if, prior 56144
to filing the application, the individual was separated from the 56145
individual's most recent work for any reason which terminated 56146
the individual's employee-employer relationship, or was laid off 56147
indefinitely or for a definite period of seven or more days. 56148

(S) "Calendar quarter" means the period of three 56149
consecutive calendar months ending on the thirty-first day of 56150
March, the thirtieth day of June, the thirtieth day of 56151
September, and the thirty-first day of December, or the 56152
equivalent thereof as the director prescribes by rule. 56153

(T) "Computation date" means the first day of the third 56154
calendar quarter of any calendar year. 56155

(U) "Contribution period" means the calendar year 56156

beginning on the first day of January of any year. 56157

(V) "Agricultural labor," for the purpose of this 56158
division, means any service performed prior to January 1, 1972, 56159
which was agricultural labor as defined in this division prior 56160
to that date, and service performed after December 31, 1971: 56161

(1) On a farm, in the employ of any person, in connection 56162
with cultivating the soil, or in connection with raising or 56163
harvesting any agricultural or horticultural commodity, 56164
including the raising, shearing, feeding, caring for, training, 56165
and management of livestock, bees, poultry, and fur-bearing 56166
animals and wildlife; 56167

(2) In the employ of the owner or tenant or other operator 56168
of a farm in connection with the operation, management, 56169
conservation, improvement, or maintenance of such farm and its 56170
tools and equipment, or in salvaging timber or clearing land of 56171
brush and other debris left by hurricane, if the major part of 56172
such service is performed on a farm; 56173

(3) In connection with the production or harvesting of any 56174
commodity defined as an agricultural commodity in section 15 (g) 56175
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 56176
U.S.C. 1141j, as amended, or in connection with the ginning of 56177
cotton, or in connection with the operation or maintenance of 56178
ditches, canals, reservoirs, or waterways, not owned or operated 56179
for profit, used exclusively for supplying and storing water for 56180
farming purposes; 56181

(4) In the employ of the operator of a farm in handling, 56182
planting, drying, packing, packaging, processing, freezing, 56183
grading, storing, or delivering to storage or to market or to a 56184
carrier for transportation to market, in its unmanufactured 56185

state, any agricultural or horticultural commodity, but only if 56186
the operator produced more than one half of the commodity with 56187
respect to which such service is performed; 56188

(5) In the employ of a group of operators of farms, or a 56189
cooperative organization of which the operators are members, in 56190
the performance of service described in division (V) (4) of this 56191
section, but only if the operators produced more than one-half 56192
of the commodity with respect to which the service is performed; 56193

(6) Divisions (V) (4) and (5) of this section shall not be 56194
deemed to be applicable with respect to service performed: 56195

(a) In connection with commercial canning or commercial 56196
freezing or in connection with any agricultural or horticultural 56197
commodity after its delivery to a terminal market for 56198
distribution for consumption; or 56199

(b) On a farm operated for profit if the service is not in 56200
the course of the employer's trade or business. 56201

As used in division (V) of this section, "farm" includes 56202
stock, dairy, poultry, fruit, fur-bearing animal, and truck 56203
farms, plantations, ranches, nurseries, ranges, greenhouses, or 56204
other similar structures used primarily for the raising of 56205
agricultural or horticultural commodities and orchards. 56206

(W) "Hospital" means an institution which has been 56207
registered or licensed by the Ohio department of health as a 56208
hospital. 56209

(X) "Nonprofit organization" means an organization, or 56210
group of organizations, described in section 501(c) (3) of the 56211
"Internal Revenue Code of 1954," and exempt from income tax 56212
under section 501(a) of that code. 56213

(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;

(2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

For the purposes of this division, all colleges and universities in this state are institutions of higher education.

(Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(AA) "Alien" means, for the purposes of division (A) (1) (d) of this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.

(BB) (1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and:

(a) Pays, either on the individual's own behalf or on

behalf of the other employer or farm operator, the individuals 56242
so furnished by the individual for the service in agricultural 56243
labor performed by them; 56244

(b) Has not entered into a written agreement with the 56245
other employer or farm operator under which the agricultural 56246
worker is designated as in the employ of the other employer or 56247
farm operator. 56248

(2) For the purposes of this chapter, any individual who 56249
is a member of a crew furnished by a crew leader to perform 56250
service in agricultural labor for any other employer or farm 56251
operator shall be treated as an employee of the crew leader if: 56252

(a) The crew leader holds a valid certificate of 56253
registration under the "Farm Labor Contractor Registration Act 56254
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 56255

(b) Substantially all the members of the crew operate or 56256
maintain tractors, mechanized harvesting or crop-dusting 56257
equipment, or any other mechanized equipment, which is provided 56258
by the crew leader; and 56259

(c) If the individual is not in the employment of the 56260
other employer or farm operator within the meaning of division 56261
(B) (1) of this section. 56262

(3) For the purposes of this division, any individual who 56263
is furnished by a crew leader to perform service in agricultural 56264
labor for any other employer or farm operator and who is not 56265
treated as in the employment of the crew leader under division 56266
(BB) (2) of this section shall be treated as the employee of the 56267
other employer or farm operator and not of the crew leader. The 56268
other employer or farm operator shall be treated as having paid 56269
cash remuneration to the individual in an amount equal to the 56270

amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator.

(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by an Indian tribe, which:

(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and

(2) Is approved, chartered, or issued a permit to operate as a school by the ~~state board~~ director of education and workforce, other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school.

For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(DD) "Cost savings day" means any unpaid day off from work in which employees continue to accrue employee benefits which have a determinable value including, but not limited to, vacation, pension contribution, sick time, and life and health insurance.

(EE) "Motor carrier" has the same meaning as in section

4923.01 of the Revised Code. 56300

Sec. 4141.47. (A) There is hereby created the auxiliary 56301
services personnel unemployment compensation fund, which shall 56302
not be a part of the state treasury. The fund shall consist of 56303
moneys paid into the fund pursuant to section 3317.06 of the 56304
Revised Code. The treasurer of state shall administer it in 56305
accordance with the directions of the director of job and family 56306
services. The director shall establish procedures under which 56307
school districts that are charged and have paid for unemployment 56308
benefits as reimbursing employers pursuant to this chapter for 56309
personnel employed pursuant to section 3317.06 of the Revised 56310
Code may apply for and receive reimbursement for those payments 56311
under this section. School districts are not entitled to 56312
reimbursement for any delinquency charges, except as otherwise 56313
provided by law. In the case of school districts electing to pay 56314
contributions under section 4141.242 of the Revised Code, the 56315
director shall establish procedures for reimbursement of the 56316
district from the fund of contributions made on wages earned by 56317
any auxiliary service personnel. 56318

(B) In the event of the termination of the auxiliary 56319
services program established pursuant to section 3317.06 of the 56320
Revised Code, and after the director has made reimbursement to 56321
school districts for all possible unemployment compensation 56322
claims of persons who were employed pursuant to section 3317.06 56323
of the Revised Code, the director shall certify that fact to the 56324
treasurer of state, who shall then transfer all unexpended 56325
moneys in the auxiliary services personnel unemployment 56326
compensation fund to the general revenue fund. In the event the 56327
auxiliary services personnel unemployment compensation fund 56328
contains insufficient moneys to pay all valid claims by school 56329
districts for reimbursement pursuant to this section, the 56330

director shall estimate the total additional amount necessary to 56331
meet the liabilities of the fund and submit a request to the 56332
general assembly for an appropriation of that amount of money 56333
from the general revenue fund to the auxiliary services 56334
personnel unemployment compensation fund. 56335

(C) All disbursements from the auxiliary services 56336
personnel unemployment compensation fund shall be paid by the 56337
treasurer of state on warrants drawn by the director. The 56338
warrants may bear the facsimile signature of the director 56339
printed thereon or that of a deputy or other employee of the 56340
director charged with the duty of keeping the account of the 56341
fund. Moneys in the fund shall be maintained in a separate 56342
account on the books of the depositary bank. The money shall be 56343
secured by the depositary bank to the same extent and in the 56344
same manner as required by Chapter 135. of the Revised Code. All 56345
sums recovered for losses sustained by the fund shall be 56346
deposited therein. The treasurer of state is liable on the 56347
treasurer of state's official bond for the faithful performance 56348
of the treasurer of state's duties in connection with the fund. 56349

(D) All necessary and proper expenses incurred in 56350
administering this section shall be paid to the director from 56351
the auxiliary services personnel unemployment compensation fund. 56352
For this purpose, there is hereby created in the state treasury 56353
the auxiliary services program administrative fund. The 56354
treasurer of state, pursuant to the warrant procedures specified 56355
in division (C) of this section, shall advance moneys as 56356
requested by the director from the auxiliary services personnel 56357
unemployment compensation fund to the auxiliary services program 56358
administrative fund. The director periodically may request the 56359
advance of such moneys as in the treasurer of state's opinion 56360
are needed to meet anticipated administrative expenses and may 56361

make disbursements from the auxiliary services program 56362
administrative fund to pay those expenses. 56363

(E) Upon receipt of a certification from the department of 56364
education and workforce regarding a refund to a board of 56365
education pursuant to section 3317.06 of the Revised Code, the 56366
director shall issue a refund in the amount certified to the 56367
board from the auxiliary services personnel unemployment 56368
compensation fund. 56369

Sec. 4506.09. (A) The registrar of motor vehicles, subject 56370
to approval by the director of public safety, shall adopt rules 56371
conforming with applicable standards adopted by the federal 56372
motor carrier safety administration as regulations under Pub. L. 56373
No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 56374
31317. The rules shall establish requirements for the 56375
qualification and testing of persons applying for a commercial 56376
driver's license, which are in addition to other requirements 56377
established by this chapter. Except as provided in division (B) 56378
of this section, the highway patrol or any other employee of the 56379
department of public safety the registrar authorizes shall 56380
supervise and conduct the testing of persons applying for a 56381
commercial driver's license. 56382

(B) The director may adopt rules, in accordance with 56383
Chapter 119. of the Revised Code and applicable requirements of 56384
the federal motor carrier safety administration, authorizing the 56385
skills test specified in this section to be administered by any 56386
person, by an agency of this or another state, or by an agency, 56387
department, or instrumentality of local government. Each party 56388
authorized under this division to administer the skills test may 56389
charge a maximum divisible fee of one hundred fifteen dollars 56390
for each skills test given as part of a commercial driver's 56391

license examination. The fee shall consist of not more than 56392
twenty-seven dollars for the pre-trip inspection portion of the 56393
test, not more than twenty-seven dollars for the off-road 56394
maneuvering portion of the test, and not more than sixty-one 56395
dollars for the on-road portion of the test. Each such party may 56396
require an appointment fee in the same manner provided in 56397
division (E)(2) of this section, except that the maximum amount 56398
such a party may require as an appointment fee is one hundred 56399
fifteen dollars. The skills test administered by another party 56400
under this division shall be the same as otherwise would be 56401
administered by this state. The other party shall enter into an 56402
agreement with the director that, without limitation, does all 56403
of the following: 56404

(1) Allows the director or the director's representative 56405
and the federal motor carrier safety administration or its 56406
representative to conduct random examinations, inspections, and 56407
audits of the other party, whether covert or overt, without 56408
prior notice; 56409

(2) Requires the director or the director's representative 56410
to conduct on-site inspections of the other party at least 56411
annually; 56412

(3) Requires that all examiners of the other party meet 56413
the same qualification and training standards as examiners of 56414
the department of public safety, including criminal background 56415
checks, to the extent necessary to conduct skills tests in the 56416
manner required by 49 C.F.R. 383.110 through 383.135. In 56417
accordance with federal guidelines, any examiner employed on 56418
July 1, 2017, shall have a criminal background check conducted 56419
at least once, and any examiner hired after July 1, 2015, shall 56420
have a criminal background check conducted after the examiner is 56421

initially hired. 56422

(4) Requires either that state employees take, at least 56423
annually and as though the employees were test applicants, the 56424
tests actually administered by the other party, that the 56425
director test a sample of drivers who were examined by the other 56426
party to compare the test results, or that state employees 56427
accompany a test applicant during an actual test; 56428

(5) Unless the other party is a governmental entity, 56429
requires the other party to initiate and maintain a bond in an 56430
amount determined by the director to sufficiently pay for the 56431
retesting of drivers in the event that the other party or its 56432
skills test examiners are involved in fraudulent activities 56433
related to skills testing; 56434

(6) Requires the other party to use only skills test 56435
examiners who have successfully completed a commercial driver's 56436
license examiner training course as prescribed by the director, 56437
and have been certified by the state as a commercial driver's 56438
license skills test examiner qualified to administer skills 56439
tests; 56440

(7) Requires the other party to use designated road test 56441
routes that have been approved by the director; 56442

(8) Requires the other party to submit a schedule of 56443
skills test appointments to the director not later than two 56444
business days prior to each skills test; 56445

(9) Requires the other party to maintain copies of the 56446
following records at its principal place of business: 56447

(a) The other party's commercial driver's license skills 56448
testing program certificate; 56449

(b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate;

(c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years;

(d) A complete list of the test routes that have been approved by the director;

(e) A complete and accurate copy of each examiner's training record.

(10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained;

(11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year;

(12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test examiners fail to comply with standards of this state or federal standards for the testing program or with any other terms of the contract.

(C) The director shall enter into an agreement with the department of education and workforce authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to

persons applying for a commercial driver's license with a school bus endorsement. 56479
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(D) (1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements: 56481
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(a) As authorized under 49 C.F.R. 383.77, the applicant operates a commercial motor vehicle for military purposes and is one of the following: 56486
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(i) Active duty military personnel; 56489

(ii) A member of the military reserves; 56490

(iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians; 56491
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(iv) Active duty U.S. coast guard personnel. 56494

(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply: 56495
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(i) The applicant has not had more than one license, excluding any military license. 56498
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(ii) The applicant has not had any license suspended, revoked, or canceled. 56500
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(iii) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code. 56502
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(iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation. 56506
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(v) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault. 56508
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(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following: 56513
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(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle; 56516
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(ii) That the applicant was exempt from the requirements of this chapter under division (B) (6) of section 4506.03 of the Revised Code; 56519
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(iii) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the applicant operates or expects to operate. 56522
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(2) The waiver established under division (D) (1) of this section does not apply to United States reserve technicians. 56528
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(E) (1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering 56530
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portion of the test, and thirty dollars for the on-road portion 56535
of the test. 56536

(2) No applicant is eligible to take the skills test until 56537
a minimum of fourteen days have elapsed since the initial 56538
issuance of a commercial driver's license temporary instruction 56539
permit to the applicant. The director may require an applicant 56540
for a commercial driver's license who schedules an appointment 56541
with the highway patrol or other authorized employee of the 56542
department of public safety to take all portions of the skills 56543
test and to pay an appointment fee of fifty dollars at the time 56544
of scheduling the appointment. If the applicant appears at the 56545
time and location specified for the appointment and takes all 56546
portions of the skills test during that appointment, the 56547
appointment fee serves as the skills test fee. If the applicant 56548
schedules an appointment to take all portions of the skills test 56549
and fails to appear at the time and location specified for the 56550
appointment, the director shall not refund any portion of the 56551
appointment fee. If the applicant schedules an appointment to 56552
take all portions of the skills test and appears at the time and 56553
location specified for the appointment, but declines or is 56554
unable to take all portions of the skills test, the director 56555
shall not refund any portion of the appointment fee. If the 56556
applicant cancels a scheduled appointment forty-eight hours or 56557
more prior to the time of the appointment time, the applicant 56558
shall not forfeit the appointment fee. 56559

An applicant for a commercial driver's license who 56560
schedules an appointment to take one or more, but not all, 56561
portions of the skills test is required to pay an appointment 56562
fee equal to the costs of each test scheduled, as prescribed in 56563
division (E)(1) of this section, when scheduling such an 56564
appointment. If the applicant appears at the time and location 56565

specified for the appointment and takes all the portions of the 56566
skills test during that appointment that the applicant was 56567
scheduled to take, the appointment fee serves as the skills test 56568
fee. If the applicant schedules an appointment to take one or 56569
more, but not all, portions of the skills test and fails to 56570
appear at the time and location specified for the appointment, 56571
the director shall not refund any portion of the appointment 56572
fee. If the applicant schedules an appointment to take one or 56573
more, but not all, portions of the skills test and appears at 56574
the time and location specified for the appointment, but 56575
declines or is unable to take all portions of the skills test 56576
that the applicant was scheduled to take, the director shall not 56577
refund any portion of the appointment fee. If the applicant 56578
cancels a scheduled appointment forty-eight hours or more prior 56579
to the time of the appointment time, the applicant shall not 56580
forfeit the appointment fee. 56581

(3) The department of public safety shall deposit all fees 56582
it collects under division (E) of this section in the public 56583
safety - highway purposes fund established in section 4501.06 of 56584
the Revised Code. 56585

(F) (1) Unless an applicant for a commercial driver's 56586
license has successfully completed the training required under 56587
49 C.F.R. 380, subpart F, the applicant is not eligible to do 56588
any of the following: 56589

(a) Take the skills test required for initial issuance of 56590
a class A or a class B commercial driver's license; 56591

(b) Take the skills test required for initial issuance of 56592
a passenger (P) or school bus (S) endorsement on the applicant's 56593
commercial driver's license; 56594

(c) Take the knowledge test required for initial issuance 56595
of a hazardous materials (H) endorsement on the applicant's 56596
commercial driver's license. 56597

Before an applicant takes the applicable skills or 56598
knowledge test, the registrar shall electronically verify, 56599
through the federal motor carrier safety administration's 56600
training provider registry, that an applicant has completed the 56601
required training under 49 C.F.R. 380, subpart F. 56602

(2) The training required under 49 C.F.R. 380, subpart F, 56603
and under division (F)(1) of this section may be provided by 56604
either of the following: 56605

(a) A driver training school pursuant to section 4508.031 56606
of the Revised Code; 56607

(b) An authorized driver training provider listed on the 56608
federal motor carrier safety administration's training provider 56609
registry. 56610

(G) A person who has successfully completed commercial 56611
driver's license training in this state but seeks a commercial 56612
driver's license in another state where the person is domiciled 56613
may schedule an appointment to take the skills test in this 56614
state and shall pay the appropriate appointment fee. Upon the 56615
person's completion of the skills test, this state shall 56616
electronically transmit the applicant's results to the state 56617
where the person is domiciled. If a person who is domiciled in 56618
this state takes a skills test in another state, this state 56619
shall accept the results of the skills test from the other 56620
state. If the person passed the other state's skills test and 56621
meets all of the other licensing requirements set forth in this 56622
chapter and rules adopted under this chapter, the registrar of 56623

motor vehicles or a deputy registrar shall issue a commercial driver's license to that person.

(H) Unless otherwise specified, the director or the director's representative shall conduct the examinations, inspections, audits, and test monitoring set forth in divisions (B) (2), (3), and (4) of this section at least annually. If the other party or any of its skills test examiners fail to comply with state or federal standards for the skills testing program, the director or the director's representative shall take prompt and appropriate remedial action against the party and its skills test examiners. Remedial action may include termination of the agreement or revocation of a skills test examiner's certification.

(I) As used in this section, "skills test" means a test of an applicant's ability to drive the type of commercial motor vehicle for which the applicant seeks a commercial driver's license by having the applicant drive such a motor vehicle while under the supervision of an authorized state driver's license examiner or tester.

Sec. 4506.10. (A) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so.

(1) Any person applying for a commercial driver's license or commercial driver's license temporary instruction permit, the renewal or upgrade of a commercial driver's license or commercial driver's license temporary instruction permit, or the transfer of a commercial driver's license from out of state shall self-certify to the registrar for purposes of 49 C.F.R. 383.71, one of the following in regard to the applicant's operation of a commercial motor vehicle, as applicable:

(a) (i) If the applicant operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and is subject to and meets the requirements under 49 C.F.R. part 391, the applicant shall self-certify that the applicant is non-excepted interstate and shall provide the registrar with the original or a copy of a medical examiner's certificate and each subsequently issued medical examiner's certificate prepared by a qualified medical examiner to maintain a medically certified status on the applicant's commercial driver licensing system driver record;

(ii) If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not required to obtain a medical examiner's certificate.

(b) (i) If the applicant operates only in intrastate commerce and is subject to state driver qualification requirements, the applicant shall self-certify that the applicant is non-excepted intrastate;

(ii) If the applicant operates only in intrastate commerce and is excepted from all or parts of the state driver qualification requirements, the applicant shall self-certify that the applicant is excepted intrastate.

(2) Notwithstanding the expiration date on a person's commercial driver's license or commercial driver's license temporary instruction permit, every commercial driver's license or commercial driver's license temporary instruction permit holder shall provide the registrar with the certification

required by this section, on or after January 30, 2012, but 56684
prior to January 30, 2014. 56685

(B) A person is qualified to drive a school bus if the 56686
person holds a valid commercial driver's license along with the 56687
proper endorsements, and if the person has been certified as 56688
medically qualified in accordance with rules adopted by the 56689
department of education and workforce. 56690

(C) (1) Except as provided in division (C) (2) of this 56691
section, only a medical examiner who is listed on the national 56692
registry of certified medical examiners established by the 56693
federal motor carrier safety administration shall perform a 56694
medical examination required by this section. 56695

(2) A person licensed under Chapter 4725. of the Revised 56696
Code to practice optometry in this state, or licensed under any 56697
similar law of another state, may perform any part of an 56698
examination required by this section that pertains to visual 56699
acuity, field of vision, and the ability to recognize colors. 56700

(3) The individual who performed an examination conducted 56701
pursuant to this section shall complete any written 56702
documentation of a physical examination on a form that 56703
substantially complies with the requirements of 49 C.F.R. 56704
391.43(h) . 56705

(D) Whenever good cause appears, the registrar, upon 56706
issuing a commercial driver's license or commercial driver's 56707
license temporary instruction permit under this chapter, may 56708
impose restrictions suitable to the licensee's driving ability 56709
with respect to the type of motor vehicle or special mechanical 56710
control devices required on a motor vehicle that the licensee 56711
may operate, or such other restrictions applicable to the 56712

licensee as the registrar determines to be necessary. 56713

The registrar may either issue a special restricted 56714
license or may set forth upon the usual license form the 56715
restrictions imposed. 56716

The registrar, upon receiving satisfactory evidence of any 56717
violation of the restrictions of the license, may impose a class 56718
D license suspension of the license for the period of time 56719
specified in division (B) (4) of section 4510.02 of the Revised 56720
Code. 56721

The registrar, upon receiving satisfactory evidence that 56722
an applicant or holder of a commercial driver's license or 56723
commercial driver's license temporary instruction permit has 56724
violated division (A) (4) of section 4506.04 of the Revised Code 56725
and knowingly given false information in any application or 56726
certification required by section 4506.07 of the Revised Code, 56727
shall cancel the person's commercial driver's license or 56728
commercial driver's license temporary instruction permit or any 56729
pending application from the person for a commercial driver's 56730
license, commercial driver's license temporary instruction 56731
permit, or class D driver's license for a period of at least 56732
sixty days, during which time no application for a commercial 56733
driver's license, commercial driver's license temporary 56734
instruction permit, or class D driver's license shall be 56735
received from the person. 56736

(E) Whoever violates this section is guilty of a 56737
misdemeanor of the first degree. 56738

Sec. 4507.21. (A) Except as provided in section 4507.061 56739
of the Revised Code, each applicant for a driver's license shall 56740
file an application in the office of the registrar of motor 56741

vehicles or of a deputy registrar. 56742

(B) (1) Each person under eighteen years of age applying 56743
for a driver's license issued in this state shall present 56744
satisfactory evidence of having successfully completed any one 56745
of the following: 56746

(a) A driver education course approved by the state 56747
department of education and workforce prior to December 31, 56748
2003. 56749

(b) A driver training course approved by the director of 56750
public safety. 56751

(c) A driver training course comparable to a driver 56752
education or driver training course described in division (B) (1) 56753
(a) or (b) of this section and administered by a branch of the 56754
armed forces of the United States and completed by the applicant 56755
while residing outside this state for the purpose of being with 56756
or near any person serving in the armed forces of the United 56757
States. 56758

(2) Each person under eighteen years of age applying for a 56759
driver's license also shall present, on a form prescribed by the 56760
registrar, an affidavit signed by an eligible adult attesting 56761
that the person has acquired at least fifty hours of actual 56762
driving experience, with at least ten of those hours being at 56763
night. 56764

(C) (1) An applicant for an initial driver's license shall 56765
present satisfactory evidence of successful completion of the 56766
abbreviated driver training course for adults, approved by the 56767
director of public safety under section 4508.02 of the Revised 56768
Code, if all of the following apply: 56769

(a) The applicant is eighteen years of age or older. 56770

(b) The applicant failed the road or maneuverability test 56771
required under division (A) (2) of section 4507.11 of the Revised 56772
Code. 56773

(c) In the twelve months immediately preceding the date of 56774
application, the applicant has not successfully completed a 56775
driver training course. 56776

(2) An applicant shall present satisfactory evidence as 56777
required under division (C) (1) of this section prior to 56778
attempting the test a second or subsequent time. 56779

(D) If the registrar or deputy registrar determines that 56780
the applicant is entitled to the driver's license, it shall be 56781
issued. If the application shows that the applicant's license 56782
has been previously canceled or suspended, the deputy registrar 56783
shall forward the application to the registrar, who shall 56784
determine whether the license shall be granted. 56785

(E) An applicant shall file an application under this 56786
section in duplicate, and the deputy registrar issuing the 56787
license shall immediately forward to the office of the registrar 56788
the original copy of the application, together with the 56789
duplicate copy of any certificate of completion if issued for 56790
purposes of division (B) of this section. The registrar shall 56791
prescribe rules as to the manner in which the deputy registrar 56792
files and maintains the applications and other records. The 56793
registrar shall file every application for a driver's or 56794
commercial driver's license and index them by name and number, 56795
and shall maintain a suitable record of all licenses issued, all 56796
convictions and bond forfeitures, all applications for licenses 56797
denied, and all licenses that have been suspended or canceled. 56798

(F) For purposes of section 2313.06 of the Revised Code, 56799

the registrar shall maintain accurate and current lists of the residents of each county who are eighteen years of age or older, have been issued, on and after January 1, 1984, driver's or commercial driver's licenses that are valid and current, and would be electors if they were registered to vote, regardless of whether they actually are registered to vote. The lists shall contain the names, addresses, dates of birth, duration of residence in this state, citizenship status, and social security numbers, if the numbers are available, of the licensees, and may contain any other information that the registrar considers suitable.

(G) Each person under eighteen years of age applying for a motorcycle operator's endorsement or a restricted license enabling the applicant to operate a motorcycle shall present satisfactory evidence of having completed the courses of instruction in the motorcycle safety and education program described in section 4508.08 of the Revised Code or a comparable course of instruction administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States. If the registrar or deputy registrar then determines that the applicant is entitled to the endorsement or restricted license, it shall be issued.

(H) No person shall knowingly make a false statement in an affidavit presented in accordance with division (B) (2) of this section.

(I) As used in this section, "eligible adult" means any of the following persons:

(1) A parent, guardian, or custodian of the applicant;

(2) A person over the age of twenty-one who acts in loco parentis of the applicant and who maintains proof of financial responsibility with respect to the operation of a motor vehicle owned by the applicant or with respect to the applicant's operation of any motor vehicle. 56830
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(J) Whoever violates division (H) of this section is guilty of a minor misdemeanor and shall be fined one hundred dollars. 56835
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56837

Sec. 4508.01. As used in this chapter: 56838

(A) "Beginning driver" means any person being trained to drive a particular motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country. 56839
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(B) "Person with a disability" means a person who, in the opinion of the registrar of motor vehicles, has a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. "Person with a disability" does not mean any person who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle. 56842
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(C) "Driver training school" or "school" means any of the following: 56854
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(1) A private business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons to operate or drive motor 56856
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vehicles, that does any of the following: 56859

(a) Uses public streets or highways to provide training 56860
and charges a consideration or tuition for such services; 56861

(b) Provides an online driver education course approved by 56862
the director of public safety pursuant to division (A) (2) of 56863
section 4508.02 of the Revised Code and charges a consideration 56864
or tuition for the course; 56865

(c) Provides an abbreviated driver training course for 56866
adults that is approved by the director pursuant to division (F) 56867
of section 4508.02 of the Revised Code and charges a 56868
consideration or tuition for the course. 56869

(2) A lead school district as provided in section 4508.09 56870
of the Revised Code; 56871

(3) A board of education of a city, exempted village, 56872
local, or joint vocational school district or the governing 56873
board of an educational service center that offers a driver 56874
education course for high school students enrolled in the 56875
district or in a district served by the educational service 56876
center. 56877

(D) "Instructor" means any person, whether acting for self 56878
as operator of a driver training school or for such a school for 56879
compensation, who teaches, conducts classes of, gives 56880
demonstrations to, or supervises practice of, persons learning 56881
to operate or drive motor vehicles. 56882

(E) "Lead school district" means a school district, 56883
including a joint vocational school district, designated by the 56884
department of education and workforce as either a vocational 56885
education planning district itself or as responsible for 56886
providing primary vocational education leadership within a 56887

vocational education planning district that is composed of a 56888
group of districts. A "vocational education planning district" 56889
is a school district or group of school districts designated by 56890
the department as responsible for planning and providing 56891
vocational education services to students within the district or 56892
group of districts. 56893

Sec. 4511.21. (A) No person shall operate a motor vehicle, 56894
trackless trolley, or streetcar at a speed greater or less than 56895
is reasonable or proper, having due regard to the traffic, 56896
surface, and width of the street or highway and any other 56897
conditions, and no person shall drive any motor vehicle, 56898
trackless trolley, or streetcar in and upon any street or 56899
highway at a greater speed than will permit the person to bring 56900
it to a stop within the assured clear distance ahead. 56901

(B) It is prima-facie lawful, in the absence of a lower 56902
limit declared or established pursuant to this section by the 56903
director of transportation or local authorities, for the 56904
operator of a motor vehicle, trackless trolley, or streetcar to 56905
operate the same at a speed not exceeding the following: 56906

(1) (a) Twenty miles per hour in school zones during school 56907
recess and while children are going to or leaving school during 56908
the opening or closing hours, and when twenty miles per hour 56909
school speed limit signs are erected; except that, on 56910
controlled-access highways and expressways, if the right-of-way 56911
line fence has been erected without pedestrian opening, the 56912
speed shall be governed by division (B) (4) of this section and 56913
on freeways, if the right-of-way line fence has been erected 56914
without pedestrian opening, the speed shall be governed by 56915
divisions (B) (10) and (11) of this section. The end of every 56916
school zone may be marked by a sign indicating the end of the 56917

zone. Nothing in this section or in the manual and 56918
specifications for a uniform system of traffic control devices 56919
shall be construed to require school zones to be indicated by 56920
signs equipped with flashing or other lights, or giving other 56921
special notice of the hours in which the school zone speed limit 56922
is in effect. 56923

(b) As used in this section and in section 4511.212 of the 56924
Revised Code, "school" means all of the following: 56925

(i) Any school chartered under section 3301.16 of the 56926
Revised Code; 56927

(ii) Any nonchartered school that during the preceding 56928
year filed with the department of education and workforce in 56929
compliance with rule 3301-35-08 of the Ohio Administrative Code, 56930
a copy of the school's report for the parents of the school's 56931
pupils certifying that the school meets Ohio minimum standards 56932
for nonchartered, nontax-supported schools and presents evidence 56933
of this filing to the jurisdiction from which it is requesting 56934
the establishment of a school zone; 56935

(iii) Any special elementary school that in writing 56936
requests the county engineer of the county in which the special 56937
elementary school is located to create a school zone at the 56938
location of that school. Upon receipt of such a written request, 56939
the county engineer shall create a school zone at that location 56940
by erecting the appropriate signs. 56941

(iv) Any preschool education program operated by an 56942
educational service center that is located on a street or 56943
highway with a speed limit of forty-five miles per hour or more, 56944
when the educational service center in writing requests that the 56945
county engineer of the county in which the program is located 56946

create a school zone at the location of that program. Upon 56947
receipt of such a written request, the county engineer shall 56948
create a school zone at that location by erecting the 56949
appropriate signs. 56950

(c) As used in this section, "school zone" means that 56951
portion of a street or highway passing a school fronting upon 56952
the street or highway that is encompassed by projecting the 56953
school property lines to the fronting street or highway, and 56954
also includes that portion of a state highway. Upon request from 56955
local authorities for streets and highways under their 56956
jurisdiction and that portion of a state highway under the 56957
jurisdiction of the director of transportation or a request from 56958
a county engineer in the case of a school zone for a special 56959
elementary school, the director may extend the traditional 56960
school zone boundaries. The distances in divisions (B) (1) (c) (i), 56961
(ii), and (iii) of this section shall not exceed three hundred 56962
feet per approach per direction and are bounded by whichever of 56963
the following distances or combinations thereof the director 56964
approves as most appropriate: 56965

(i) The distance encompassed by projecting the school 56966
building lines normal to the fronting highway and extending a 56967
distance of three hundred feet on each approach direction; 56968

(ii) The distance encompassed by projecting the school 56969
property lines intersecting the fronting highway and extending a 56970
distance of three hundred feet on each approach direction; 56971

(iii) The distance encompassed by the special marking of 56972
the pavement for a principal school pupil crosswalk plus a 56973
distance of three hundred feet on each approach direction of the 56974
highway. 56975

Nothing in this section shall be construed to invalidate 56976
the director's initial action on August 9, 1976, establishing 56977
all school zones at the traditional school zone boundaries 56978
defined by projecting school property lines, except when those 56979
boundaries are extended as provided in divisions (B) (1) (a) and 56980
(c) of this section. 56981

(d) As used in this division, "crosswalk" has the meaning 56982
given that term in division (LL) (2) of section 4511.01 of the 56983
Revised Code. 56984

The director may, upon request by resolution of the 56985
legislative authority of a municipal corporation, the board of 56986
trustees of a township, or a county board of developmental 56987
disabilities created pursuant to Chapter 5126. of the Revised 56988
Code, and upon submission by the municipal corporation, 56989
township, or county board of such engineering, traffic, and 56990
other information as the director considers necessary, designate 56991
a school zone on any portion of a state route lying within the 56992
municipal corporation, lying within the unincorporated territory 56993
of the township, or lying adjacent to the property of a school 56994
that is operated by such county board, that includes a crosswalk 56995
customarily used by children going to or leaving a school during 56996
recess and opening and closing hours, whenever the distance, as 56997
measured in a straight line, from the school property line 56998
nearest the crosswalk to the nearest point of the crosswalk is 56999
no more than one thousand three hundred twenty feet. Such a 57000
school zone shall include the distance encompassed by the 57001
crosswalk and extending three hundred feet on each approach 57002
direction of the state route. 57003

(e) As used in this section, "special elementary school" 57004
means a school that meets all of the following criteria: 57005

(i) It is not chartered and does not receive tax revenue from any source.	57006 57007
(ii) It does not educate children beyond the eighth grade.	57008
(iii) It is located outside the limits of a municipal corporation.	57009 57010
(iv) A majority of the total number of students enrolled at the school are not related by blood.	57011 57012
(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.	57013 57014 57015 57016 57017 57018 57019
(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;	57020 57021 57022 57023
(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B) (4) and (6) of this section;	57024 57025 57026 57027
(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations, except as provided in divisions (B) (12), (13), (14), (15), and (16) of this section;	57028 57029 57030
(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B) (8) of this section,	57031 57032 57033

highways as provided in divisions (B) (9) and (10) of this	57034
section, and highways, expressways, and freeways as provided in	57035
divisions (B) (12), (13), (14), and (16) of this section;	57036
(6) Fifty miles per hour on state routes within municipal	57037
corporations outside urban districts unless a lower prima-facie	57038
speed is established as further provided in this section;	57039
(7) Fifteen miles per hour on all alleys within the	57040
municipal corporation;	57041
(8) Thirty-five miles per hour on highways outside	57042
municipal corporations that are within an island jurisdiction;	57043
(9) Thirty-five miles per hour on through highways, except	57044
state routes, that are outside municipal corporations and that	57045
are within a national park with boundaries extending through two	57046
or more counties;	57047
(10) Sixty miles per hour on two-lane state routes outside	57048
municipal corporations as established by the director under	57049
division (H) (2) of this section;	57050
(11) Fifty-five miles per hour on freeways with paved	57051
shoulders inside municipal corporations, other than freeways as	57052
provided in divisions (B) (14) and (16) of this section;	57053
(12) Sixty miles per hour on rural expressways with	57054
traffic control signals and on all portions of rural divided	57055
highways, except as provided in divisions (B) (13) and (14) of	57056
this section;	57057
(13) Sixty-five miles per hour on all rural expressways	57058
without traffic control signals;	57059
(14) Seventy miles per hour on all rural freeways;	57060

(15) Fifty-five miles per hour on all portions of freeways 57061
or expressways in congested areas as determined by the director 57062
and that are located within a municipal corporation or within an 57063
interstate freeway outerbelt, except as provided in division (B) 57064
(16) of this section; 57065

(16) Sixty-five miles per hour on all portions of freeways 57066
or expressways without traffic control signals in urbanized 57067
areas. 57068

(C) It is prima-facie unlawful for any person to exceed 57069
any of the speed limitations in divisions (B)(1)(a), (2), (3), 57070
(4), (6), (7), (8), and (9) of this section, or any declared or 57071
established pursuant to this section by the director or local 57072
authorities and it is unlawful for any person to exceed any of 57073
the speed limitations in division (D) of this section. No person 57074
shall be convicted of more than one violation of this section 57075
for the same conduct, although violations of more than one 57076
provision of this section may be charged in the alternative in a 57077
single affidavit. 57078

(D) No person shall operate a motor vehicle, trackless 57079
trolley, or streetcar upon a street or highway as follows: 57080

(1) At a speed exceeding fifty-five miles per hour, except 57081
upon a two-lane state route as provided in division (B)(10) of 57082
this section and upon a highway, expressway, or freeway as 57083
provided in divisions (B)(12), (13), (14), and (16) of this 57084
section; 57085

(2) At a speed exceeding sixty miles per hour upon a two- 57086
lane state route as provided in division (B)(10) of this section 57087
and upon a highway as provided in division (B)(12) of this 57088
section; 57089

(3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in division (B) (13) or upon a freeway as provided in division (B) (16) of this section, except upon a freeway as provided in division (B) (14) of this section;

(4) At a speed exceeding seventy miles per hour upon a freeway as provided in division (B) (14) of this section;

(5) At a speed exceeding the posted speed limit upon a highway, expressway, or freeway for which the director has determined and declared a speed limit pursuant to division (I) (2) or (L) (2) of this section.

(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) When a speed in excess of both a prima-facie limitation and a limitation in division (D) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this section, or of a limit declared or established pursuant to this section by the director or local authorities, and of the limitation in division (D) of this section. If the court finds a

violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 57120
or (9) of, or a limit declared or established pursuant to, this 57121
section has occurred, it shall enter a judgment of conviction 57122
under such division and dismiss the charge under division (D) of 57123
this section. If it finds no violation of division (B) (1) (a), 57124
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 57125
established pursuant to, this section, it shall then consider 57126
whether the evidence supports a conviction under division (D) of 57127
this section. 57128

(G) Points shall be assessed for violation of a limitation 57129
under division (D) of this section in accordance with section 57130
4510.036 of the Revised Code. 57131

(H) (1) Whenever the director determines upon the basis of 57132
criteria established by an engineering study, as defined by the 57133
director, that any speed limit set forth in divisions (B) (1) (a) 57134
to (D) of this section is greater or less than is reasonable or 57135
safe under the conditions found to exist at any portion of a 57136
street or highway under the jurisdiction of the director, the 57137
director shall determine and declare a reasonable and safe 57138
prima-facie speed limit, which shall be effective when 57139
appropriate signs giving notice of it are erected at the 57140
location. 57141

(2) Whenever the director determines upon the basis of 57142
criteria established by an engineering study, as defined by the 57143
director, that the speed limit of fifty-five miles per hour on a 57144
two-lane state route outside a municipal corporation is less 57145
than is reasonable or safe under the conditions found to exist 57146
at that portion of the state route, the director may determine 57147
and declare a speed limit of sixty miles per hour for that 57148
portion of the state route, which shall be effective when 57149

appropriate signs giving notice of it are erected at the 57150
location. 57151

(3) (a) For purposes of the safe and orderly movement of 57152
traffic upon any portion of a street or highway under the 57153
jurisdiction of the director, the director may establish a 57154
variable speed limit that is different than the speed limit 57155
established by or under this section on all or portions of 57156
interstate six hundred seventy, interstate two hundred seventy- 57157
five, and interstate ninety commencing at the intersection of 57158
that interstate with interstate seventy-one and continuing to 57159
the border of the state of Ohio with the state of Pennsylvania. 57160
The director shall establish criteria for determining the 57161
appropriate use of variable speed limits and shall establish 57162
variable speed limits in accordance with the criteria. The 57163
director may establish variable speed limits based upon the time 57164
of day, weather conditions, traffic incidents, or other factors 57165
that affect the safe speed on a street or highway. The director 57166
shall not establish a variable speed limit that is based on a 57167
particular type or class of vehicle. A variable speed limit 57168
established by the director under this section is effective when 57169
appropriate signs giving notice of the speed limit are displayed 57170
at the location. 57171

(b) Except for variable speed limits established under 57172
division (H) (3) (a) of this section, the director shall establish 57173
a variable speed limit under the authority granted to the 57174
director by this section on not more than two additional 57175
highways and only pursuant to criteria established in rules 57176
adopted in accordance with Chapter 119. of the Revised Code. The 57177
rules shall be based on the criteria described in division (H) 57178
(3) (a) of this section. The rules also shall establish the 57179
parameters of any engineering study necessary for determining 57180

when variable speed limits are appropriate. 57181

(4) Nothing in this section shall be construed to limit 57182
the authority of the director to establish speed limits within a 57183
construction zone as authorized under section 4511.98 of the 57184
Revised Code. 57185

(I) (1) Except as provided in divisions (I) (2), (J), (K), 57186
and (N) of this section, whenever local authorities determine 57187
upon the basis of criteria established by an engineering study, 57188
as defined by the director, that the speed permitted by 57189
divisions (B) (1) (a) to (D) of this section, on any part of a 57190
highway under their jurisdiction, is greater than is reasonable 57191
and safe under the conditions found to exist at such location, 57192
the local authorities may by resolution request the director to 57193
determine and declare a reasonable and safe prima-facie speed 57194
limit. Upon receipt of such request the director may determine 57195
and declare a reasonable and safe prima-facie speed limit at 57196
such location, and if the director does so, then such declared 57197
speed limit shall become effective only when appropriate signs 57198
giving notice thereof are erected at such location by the local 57199
authorities. The director may withdraw the declaration of a 57200
prima-facie speed limit whenever in the director's opinion the 57201
altered prima-facie speed limit becomes unreasonable. Upon such 57202
withdrawal, the declared prima-facie speed limit shall become 57203
ineffective and the signs relating thereto shall be immediately 57204
removed by the local authorities. 57205

(2) A local authority may determine on the basis of 57206
criteria established by an engineering study, as defined by the 57207
director, that the speed limit of sixty-five or seventy miles 57208
per hour on a portion of a freeway under its jurisdiction is 57209
greater than is reasonable or safe under the conditions found to 57210

exist at that portion of the freeway. If the local authority 57211
makes such a determination, the local authority by resolution 57212
may request the director to determine and declare a reasonable 57213
and safe speed limit of not less than fifty-five miles per hour 57214
for that portion of the freeway. If the director takes such 57215
action, the declared speed limit becomes effective only when 57216
appropriate signs giving notice of it are erected at such 57217
location by the local authority. 57218

(J) Local authorities in their respective jurisdictions 57219
may authorize by ordinance higher prima-facie speeds than those 57220
stated in this section upon through highways, or upon highways 57221
or portions thereof where there are no intersections, or between 57222
widely spaced intersections, provided signs are erected giving 57223
notice of the authorized speed, but local authorities shall not 57224
modify or alter the basic rule set forth in division (A) of this 57225
section or in any event authorize by ordinance a speed in excess 57226
of the maximum speed permitted by division (D) of this section 57227
for the specified type of highway. 57228

Alteration of prima-facie limits on state routes by local 57229
authorities shall not be effective until the alteration has been 57230
approved by the director. The director may withdraw approval of 57231
any altered prima-facie speed limits whenever in the director's 57232
opinion any altered prima-facie speed becomes unreasonable, and 57233
upon such withdrawal, the altered prima-facie speed shall become 57234
ineffective and the signs relating thereto shall be immediately 57235
removed by the local authorities. 57236

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 57237
this section, "unimproved highway" means a highway consisting of 57238
any of the following: 57239

(a) Unimproved earth; 57240

(b) Unimproved graded and drained earth;	57241
(c) Gravel.	57242
(2) Except as otherwise provided in divisions (K) (4) and	57243
(5) of this section, whenever a board of township trustees	57244
determines upon the basis of criteria established by an	57245
engineering study, as defined by the director, that the speed	57246
permitted by division (B) (5) of this section on any part of an	57247
unimproved highway under its jurisdiction and in the	57248
unincorporated territory of the township is greater than is	57249
reasonable or safe under the conditions found to exist at the	57250
location, the board may by resolution declare a reasonable and	57251
safe prima-facie speed limit of fifty-five but not less than	57252
twenty-five miles per hour. An altered speed limit adopted by a	57253
board of township trustees under this division becomes effective	57254
when appropriate traffic control devices, as prescribed in	57255
section 4511.11 of the Revised Code, giving notice thereof are	57256
erected at the location, which shall be no sooner than sixty	57257
days after adoption of the resolution.	57258
(3) (a) Whenever, in the opinion of a board of township	57259
trustees, any altered prima-facie speed limit established by the	57260
board under this division becomes unreasonable, the board may	57261
adopt a resolution withdrawing the altered prima-facie speed	57262
limit. Upon the adoption of such a resolution, the altered	57263
prima-facie speed limit becomes ineffective and the traffic	57264
control devices relating thereto shall be immediately removed.	57265
(b) Whenever a highway ceases to be an unimproved highway	57266
and the board has adopted an altered prima-facie speed limit	57267
pursuant to division (K) (2) of this section, the board shall, by	57268
resolution, withdraw the altered prima-facie speed limit as soon	57269
as the highway ceases to be unimproved. Upon the adoption of	57270

such a resolution, the altered prima-facie speed limit becomes 57271
ineffective and the traffic control devices relating thereto 57272
shall be immediately removed. 57273

(4) (a) If the boundary of two townships rests on the 57274
centerline of an unimproved highway in unincorporated territory 57275
and both townships have jurisdiction over the highway, neither 57276
of the boards of township trustees of such townships may declare 57277
an altered prima-facie speed limit pursuant to division (K) (2) 57278
of this section on the part of the highway under their joint 57279
jurisdiction unless the boards of township trustees of both of 57280
the townships determine, upon the basis of criteria established 57281
by an engineering study, as defined by the director, that the 57282
speed permitted by division (B) (5) of this section is greater 57283
than is reasonable or safe under the conditions found to exist 57284
at the location and both boards agree upon a reasonable and safe 57285
prima-facie speed limit of less than fifty-five but not less 57286
than twenty-five miles per hour for that location. If both 57287
boards so agree, each shall follow the procedure specified in 57288
division (K) (2) of this section for altering the prima-facie 57289
speed limit on the highway. Except as otherwise provided in 57290
division (K) (4) (b) of this section, no speed limit altered 57291
pursuant to division (K) (4) (a) of this section may be withdrawn 57292
unless the boards of township trustees of both townships 57293
determine that the altered prima-facie speed limit previously 57294
adopted becomes unreasonable and each board adopts a resolution 57295
withdrawing the altered prima-facie speed limit pursuant to the 57296
procedure specified in division (K) (3) (a) of this section. 57297

(b) Whenever a highway described in division (K) (4) (a) of 57298
this section ceases to be an unimproved highway and two boards 57299
of township trustees have adopted an altered prima-facie speed 57300
limit pursuant to division (K) (4) (a) of this section, both 57301

boards shall, by resolution, withdraw the altered prima-facie 57302
speed limit as soon as the highway ceases to be unimproved. Upon 57303
the adoption of the resolution, the altered prima-facie speed 57304
limit becomes ineffective and the traffic control devices 57305
relating thereto shall be immediately removed. 57306

(5) As used in division (K) (5) of this section: 57307

(a) "Commercial subdivision" means any platted territory 57308
outside the limits of a municipal corporation and fronting a 57309
highway where, for a distance of three hundred feet or more, the 57310
frontage is improved with buildings in use for commercial 57311
purposes, or where the entire length of the highway is less than 57312
three hundred feet long and the frontage is improved with 57313
buildings in use for commercial purposes. 57314

(b) "Residential subdivision" means any platted territory 57315
outside the limits of a municipal corporation and fronting a 57316
highway, where, for a distance of three hundred feet or more, 57317
the frontage is improved with residences or residences and 57318
buildings in use for business, or where the entire length of the 57319
highway is less than three hundred feet long and the frontage is 57320
improved with residences or residences and buildings in use for 57321
business. 57322

Whenever a board of township trustees finds upon the basis 57323
of criteria established by an engineering study, as defined by 57324
the director, that the prima-facie speed permitted by division 57325
(B) (5) of this section on any part of a highway under its 57326
jurisdiction that is located in a commercial or residential 57327
subdivision, except on highways or portions thereof at the 57328
entrances to which vehicular traffic from the majority of 57329
intersecting highways is required to yield the right-of-way to 57330
vehicles on such highways in obedience to stop or yield signs or 57331

traffic control signals, is greater than is reasonable and safe 57332
under the conditions found to exist at the location, the board 57333
may by resolution declare a reasonable and safe prima-facie 57334
speed limit of less than fifty-five but not less than twenty- 57335
five miles per hour at the location. An altered speed limit 57336
adopted by a board of township trustees under this division 57337
shall become effective when appropriate signs giving notice 57338
thereof are erected at the location by the township. Whenever, 57339
in the opinion of a board of township trustees, any altered 57340
prima-facie speed limit established by it under this division 57341
becomes unreasonable, it may adopt a resolution withdrawing the 57342
altered prima-facie speed, and upon such withdrawal, the altered 57343
prima-facie speed shall become ineffective, and the signs 57344
relating thereto shall be immediately removed by the township. 57345

(L) (1) The director of transportation, based upon an 57346
engineering study, as defined by the director, of a highway, 57347
expressway, or freeway described in division (B) (12), (13), 57348
(14), (15), or (16) of this section, in consultation with the 57349
director of public safety and, if applicable, the local 57350
authority having jurisdiction over the studied highway, 57351
expressway, or freeway, may determine and declare that the speed 57352
limit established on such highway, expressway, or freeway under 57353
division (B) (12), (13), (14), (15), or (16) of this section 57354
either is reasonable and safe or is more or less than that which 57355
is reasonable and safe. 57356

(2) If the established speed limit for a highway, 57357
expressway, or freeway studied pursuant to division (L) (1) of 57358
this section is determined to be more or less than that which is 57359
reasonable and safe, the director of transportation, in 57360
consultation with the director of public safety and, if 57361
applicable, the local authority having jurisdiction over the 57362

studied highway, expressway, or freeway, shall determine and 57363
declare a reasonable and safe speed limit for that highway, 57364
expressway, or freeway. 57365

(M) (1) (a) If the boundary of two local authorities rests 57366
on the centerline of a highway and both authorities have 57367
jurisdiction over the highway, the speed limit for the part of 57368
the highway within their joint jurisdiction shall be either one 57369
of the following as agreed to by both authorities: 57370

(i) Either prima-facie speed limit permitted by division 57371
(B) of this section; 57372

(ii) An altered speed limit determined and posted in 57373
accordance with this section. 57374

(b) If the local authorities are unable to reach an 57375
agreement, the speed limit shall remain as established and 57376
posted under this section. 57377

(2) Neither local authority may declare an altered prima- 57378
facie speed limit pursuant to this section on the part of the 57379
highway under their joint jurisdiction unless both of the local 57380
authorities determine, upon the basis of criteria established by 57381
an engineering study, as defined by the director, that the speed 57382
permitted by this section is greater than is reasonable or safe 57383
under the conditions found to exist at the location and both 57384
authorities agree upon a uniform reasonable and safe prima-facie 57385
speed limit of less than fifty-five but not less than twenty- 57386
five miles per hour for that location. If both authorities so 57387
agree, each shall follow the procedure specified in this section 57388
for altering the prima-facie speed limit on the highway, and the 57389
speed limit for the part of the highway within their joint 57390
jurisdiction shall be uniformly altered. No altered speed limit 57391

may be withdrawn unless both local authorities determine that 57392
the altered prima-facie speed limit previously adopted becomes 57393
unreasonable and each adopts a resolution withdrawing the 57394
altered prima-facie speed limit pursuant to the procedure 57395
specified in this section. 57396

(N) The legislative authority of a municipal corporation 57397
or township in which a boarding school is located, by resolution 57398
or ordinance, may establish a boarding school zone. The 57399
legislative authority may alter the speed limit on any street or 57400
highway within the boarding school zone and shall specify the 57401
hours during which the altered speed limit is in effect. For 57402
purposes of determining the boundaries of the boarding school 57403
zone, the altered speed limit within the boarding school zone, 57404
and the hours the altered speed limit is in effect, the 57405
legislative authority shall consult with the administration of 57406
the boarding school and with the county engineer or other 57407
appropriate engineer, as applicable. A boarding school zone 57408
speed limit becomes effective only when appropriate signs giving 57409
notice thereof are erected at the appropriate locations. 57410

(O) As used in this section: 57411

(1) "Interstate system" has the same meaning as in 23 57412
U.S.C. 101. 57413

(2) "Commercial bus" means a motor vehicle designed for 57414
carrying more than nine passengers and used for the 57415
transportation of persons for compensation. 57416

(3) "Noncommercial bus" includes but is not limited to a 57417
school bus or a motor vehicle operated solely for the 57418
transportation of persons associated with a charitable or 57419
nonprofit organization. 57420

(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director.

(5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.

(7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

(P) (1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree. Division (P) (2) of this section does not apply if penalties may be imposed under division (P) (1) (b) or (c) of this section.

(3) Notwithstanding division (P) (1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

(4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or

discharging any school child, person attending programs offered 57480
by community boards of mental health and county boards of 57481
developmental disabilities, or child attending a program offered 57482
by a head start agency, shall stop at least ten feet from the 57483
front or rear of the school bus and shall not proceed until such 57484
school bus resumes motion, or until signaled by the school bus 57485
driver to proceed. 57486

It is no defense to a charge under this division that the 57487
school bus involved failed to display or be equipped with an 57488
automatically extended stop warning sign as required by division 57489
(B) of this section. 57490

(B) Every school bus shall be equipped with amber and red 57491
visual signals meeting the requirements of section 4511.771 of 57492
the Revised Code, and an automatically extended stop warning 57493
sign of a type approved by the ~~state board~~ department of 57494
education and workforce, which shall be actuated by the driver 57495
of the bus whenever but only whenever the bus is stopped or 57496
stopping on the roadway for the purpose of receiving or 57497
discharging school children, persons attending programs offered 57498
by community boards of mental health and county boards of 57499
developmental disabilities, or children attending programs 57500
offered by head start agencies. A school bus driver shall not 57501
actuate the visual signals or the stop warning sign in 57502
designated school bus loading areas where the bus is entirely 57503
off the roadway or at school buildings when children or persons 57504
attending programs offered by community boards of mental health 57505
and county boards of developmental disabilities are loading or 57506
unloading at curbside or at buildings when children attending 57507
programs offered by head start agencies are loading or unloading 57508
at curbside. The visual signals and stop warning sign shall be 57509
synchronized or otherwise operated as required by rule of the 57510

board. 57511

(C) Where a highway has been divided into four or more 57512
traffic lanes, a driver of a vehicle, streetcar, or trackless 57513
trolley need not stop for a school bus approaching from the 57514
opposite direction which has stopped for the purpose of 57515
receiving or discharging any school child, persons attending 57516
programs offered by community boards of mental health and county 57517
boards of developmental disabilities, or children attending 57518
programs offered by head start agencies. The driver of any 57519
vehicle, streetcar, or trackless trolley overtaking the school 57520
bus shall comply with division (A) of this section. 57521

(D) School buses operating on divided highways or on 57522
highways with four or more traffic lanes shall receive and 57523
discharge all school children, persons attending programs 57524
offered by community boards of mental health and county boards 57525
of developmental disabilities, and children attending programs 57526
offered by head start agencies on their residence side of the 57527
highway. 57528

(E) No school bus driver shall start the driver's bus 57529
until after any child, person attending programs offered by 57530
community boards of mental health and county boards of 57531
developmental disabilities, or child attending a program offered 57532
by a head start agency who may have alighted therefrom has 57533
reached a place of safety on the child's or person's residence 57534
side of the road. 57535

(F) (1) Whoever violates division (A) of this section may 57536
be fined an amount not to exceed five hundred dollars. A person 57537
who is issued a citation for a violation of division (A) of this 57538
section is not permitted to enter a written plea of guilty and 57539
waive the person's right to contest the citation in a trial but 57540

instead must appear in person in the proper court to answer the charge. 57541
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(2) In addition to and independent of any other penalty 57543
provided by law, the court or mayor may impose upon an offender 57544
who violates this section a class seven suspension of the 57545
offender's driver's license, commercial driver's license, 57546
temporary instruction permit, probationary license, or 57547
nonresident operating privilege from the range specified in 57548
division (A)(7) of section 4510.02 of the Revised Code. When a 57549
license is suspended under this section, the court or mayor 57550
shall cause the offender to deliver the license to the court, 57551
and the court or clerk of the court immediately shall forward 57552
the license to the registrar of motor vehicles, together with 57553
notice of the court's action. 57554

(G) As used in this section: 57555

(1) "Head start agency" has the same meaning as in section 57556
3301.32 of the Revised Code. 57557

(2) "School bus," as used in relation to children who 57558
attend a program offered by a head start agency, means a bus 57559
that is owned and operated by a head start agency, is equipped 57560
with an automatically extended stop warning sign of a type 57561
approved by the ~~state board of education~~ department, is painted 57562
the color and displays the markings described in section 4511.77 57563
of the Revised Code, and is equipped with amber and red visual 57564
signals meeting the requirements of section 4511.771 of the 57565
Revised Code, irrespective of whether or not the bus has fifteen 57566
or more children aboard at any time. "School bus" does not 57567
include a van owned and operated by a head start agency, 57568
irrespective of its color, lights, or markings. 57569

Sec. 4511.76. (A) The department of public safety, by and 57570
with the advice of the ~~superintendent of public~~ 57571
~~instruction~~department of education and workforce, shall adopt 57572
and enforce rules relating to the construction, design, and 57573
equipment, including lighting equipment required by section 57574
4511.771 of the Revised Code, of all school buses both publicly 57575
and privately owned and operated in this state. 57576

(B) The department of education and workforce, by and with 57577
the advice of the director of public safety, shall adopt and 57578
enforce rules relating to the operation of all vehicles used for 57579
pupil transportation. 57580

(C) No person shall operate a vehicle used for pupil 57581
transportation within this state in violation of the rules of 57582
the department of education and workforce or the department of 57583
public safety. No person, being the owner thereof or having the 57584
supervisory responsibility therefor, shall permit the operation 57585
of a vehicle used for pupil transportation within this state in 57586
violation of the rules of the department of education and 57587
workforce or the department of public safety. 57588

(D) The department of public safety shall adopt and 57589
enforce rules relating to the issuance of a license under 57590
section 4511.763 of the Revised Code. The rules may relate to 57591
the condition of the equipment to be operated; the liability and 57592
property damage insurance carried by the applicant; the posting 57593
of satisfactory and sufficient bond; and such other rules as the 57594
director of public safety determines reasonably necessary for 57595
the safety of the pupils to be transported. 57596

(E) A chartered nonpublic school may own and operate, or 57597
contract with a vendor that supplies, a vehicle originally 57598
designed for not more than nine passengers, not including the 57599

driver, to transport students to and from regularly scheduled 57600
school sessions when one of the following applies: 57601

(1) A student's school district of residence has declared 57602
the transportation of the student impractical pursuant to 57603
section 3327.02 of the Revised Code; or 57604

(2) A student does not live within thirty minutes of the 57605
chartered nonpublic school and the student's school district is 57606
not required to transport the student under section 3327.01 of 57607
the Revised Code. 57608

(F) As used in this section, "vehicle used for pupil 57609
transportation" means any vehicle that is identified as such by 57610
the department of education and workforce by rule and that is 57611
subject to Chapter 3301-83 of the Administrative Code. 57612

(G) Except as otherwise provided in this division, whoever 57613
violates this section is guilty of a minor misdemeanor. If the 57614
offender previously has been convicted of or pleaded guilty to 57615
one or more violations of this section or section 4511.63, 57616
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 57617
Code or a municipal ordinance that is substantially similar to 57618
any of those sections, whoever violates this section is guilty 57619
of a misdemeanor of the fourth degree. 57620

Sec. 4709.07. (A) Each person who desires to obtain an 57621
initial license to practice barbering shall apply to the state 57622
cosmetology and barber board, on forms provided by the board. 57623
The application form shall include the name of the person 57624
applying for the license and evidence that the applicant meets 57625
all of the requirements of division (B) of this section. The 57626
application shall be accompanied by the examination application 57627
fee. 57628

(B) In order to take the required barber examination and 57629
to qualify for licensure as a barber, an applicant must 57630
demonstrate that the applicant meets all of the following: 57631

(1) Is at least eighteen years of age; 57632

(2) Has an eighth grade education or an equivalent 57633
education as determined by the ~~state board~~ department of 57634
education and workforce, or equivalent organization in the state 57635
where the applicant resides; 57636

(3) Has graduated with at least one thousand eight hundred 57637
hours of training from a board-approved barber school or has 57638
graduated with at least one thousand hours of training from a 57639
board-approved barber school in this state and has a current 57640
cosmetology or hair designer license issued pursuant to Chapter 57641
4713. of the Revised Code. No hours of instruction earned by an 57642
applicant five or more years prior to the examination apply to 57643
the hours of study required by this division. 57644

(C) Any applicant who meets all of the requirements of 57645
divisions (A) and (B) of this section may take the barber 57646
examination at the time and place specified by the board. If the 57647
applicant fails to attain at least a seventy-five per cent pass 57648
rate on each part of the examination, the applicant is 57649
ineligible for licensure; however, the applicant may reapply for 57650
examination within ninety days after the date of the release of 57651
the examination scores by paying the required reexamination fee. 57652
An applicant is only required to take that part or parts of the 57653
examination on which the applicant did not receive a score of 57654
seventy-five per cent or higher. If the applicant fails to 57655
reapply for examination within ninety days or fails the second 57656
examination, in order to reapply for examination for licensure 57657
the applicant shall complete an additional course of study of 57658

not less than two hundred hours, in a board-approved barber school. The board shall provide to an applicant, upon request, a report which explains the reasons for the applicant's failure to pass the examination.

(D) The board shall issue a license to practice barbering to any applicant who, to the satisfaction of the board, meets the requirements of divisions (A) and (B) of this section, who passes the required examination, and pays the initial licensure fee. Every licensed barber shall display the certificate of licensure in a conspicuous place adjacent to or near the licensed barber's work chair.

Sec. 4709.10. (A) Each person who desires to obtain a license to operate a barber school shall apply to the state cosmetology and barber board, on forms provided by the board. The board shall issue a barber school license to a person if the board determines that the person meets and will comply with all of the requirements of division (B) of this section and pays the required licensure and inspection fees.

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;

(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;

(3) Have established and provide to the board proof that

it has met all of the board requirements to operate a barber school, as adopted by rule of the board; 57688
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(4) File with the board a program of its curriculum, accounting for not less than one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board; 57690
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(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond. 57694
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(6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule; 57709
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(7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet both of the following: 57712
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- (a) Be at least seventeen years of age; 57717
- (b) Have an eighth grade education, or an equivalent education as determined by the ~~state board~~ department of education and workforce. 57718
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- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 57721
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- (9) Operate in a manner which reflects credit upon the barbering profession; 57725
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- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 57727
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- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 57730
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- (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements: 57734
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- (1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement; 57739
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(2) Meets such other requirements as adopted by rule by the board; 57745
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(3) Passes the required examination; and 57747

(4) Pays the required fees. 57748

The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees. 57749
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(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications. 57752
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Sec. 4713.02. (A) There is hereby created the state cosmetology and barber board, consisting of all of the following members appointed by the governor, with the advice and consent of the senate: 57758
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(1) One individual holding a current, valid cosmetologist or cosmetology instructor license at the time of appointment; 57762
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(2) Two individuals holding current, valid cosmetologist licenses and actively engaged in managing beauty salons for a period of not less than five years at the time of appointment; 57764
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(3) One individual who holds a current, valid independent contractor license at the time of appointment and practices a branch of cosmetology; 57767
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(4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school; 57770
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- (5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 57773
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- (6) One owner of at least five licensed salons; 57775
- (7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 57776
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- (8) One individual representing the general public; 57783
- (9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment; 57784
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- (10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 57788
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- (11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment; 57792
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- (12) One individual who holds a current, valid barber or barber teacher license at the time of appointment and who has been licensed as a barber or barber teacher in this state for at least five years immediately preceding the individual's appointment. 57795
57796
57797
57798
57799
- (B) The ~~superintendent of public instruction~~ director of 57800

education and workforce shall nominate three individuals for the 57801
governor to choose from when making an appointment under 57802
division (A) (4) of this section. 57803

(C) All members shall be at least twenty-five years of 57804
age, residents of the state, and citizens of the United States. 57805
No more than two members, at any time, shall be graduates of the 57806
same school of cosmetology. Not more than one member shall have 57807
a common financial connection with any school of cosmetology, 57808
salon, barber school, or barber shop. 57809

Terms of office are for five years. Terms shall commence 57810
on the first day of November and end on the thirty-first day of 57811
October. Each member shall hold office from the date of 57812
appointment until the end of the term for which appointed. In 57813
case of a vacancy occurring on the board, the governor shall, in 57814
the same manner prescribed for the regular appointment to the 57815
board, fill the vacancy by appointing a member. Any member 57816
appointed to fill a vacancy occurring prior to the expiration of 57817
the term for which the member's predecessor was appointed shall 57818
hold office for the remainder of such term. Any member shall 57819
continue in office subsequent to the expiration date of the 57820
member's term until the member's successor takes office, or 57821
until a period of sixty days has elapsed, whichever occurs 57822
first. Before entering upon the discharge of the duties of the 57823
office of member, each member shall take, and file with the 57824
secretary of state, the oath of office required by Section 7 of 57825
Article XV, Ohio Constitution. 57826

The members of the board shall receive an amount fixed 57827
pursuant to Chapter 124. of the Revised Code per diem for every 57828
meeting of the board which they attend, together with their 57829
necessary expenses, and mileage for each mile necessarily 57830

traveled. 57831

The members of the board shall annually elect, from among 57832
their number, a chairperson and a vice-chairperson. The 57833
executive director appointed pursuant to section 4713.06 of the 57834
Revised Code shall serve as the board's secretary. 57835

(D) The board shall prescribe the duties of its officers 57836
and establish an office within Franklin county. The board shall 57837
keep all records and files at the office and have the records 57838
and files at all reasonable hours open to public inspection in 57839
accordance with section 149.43 of the Revised Code and any rules 57840
adopted by the board in compliance with this state's record 57841
retention policy. The board also shall adopt a seal for the 57842
authentication of its orders, communications, and records. 57843

(E) The governor may remove any member for cause prior to 57844
the expiration of the member's term of office. 57845

(F) Whenever the term "state board of cosmetology" is 57846
used, referred to, or designated in statute, rule, contract, 57847
grant, or other document, the use, reference, or designation 57848
shall be deemed to mean the "state cosmetology and barber board" 57849
or the executive director of the state cosmetology and barber 57850
board, whichever is appropriate in context. Whenever the term 57851
"barber board" is used, referred to, or designated in statute, 57852
rule, contract, grant, or other document, the use, reference, or 57853
designation shall be deemed to mean the "state cosmetology and 57854
barber board" or the executive director of the state cosmetology 57855
and barber board, whichever is appropriate in context. 57856

Sec. 4732.10. (A) The state board of psychology shall 57857
appoint an entrance examiner who shall determine the sufficiency 57858
of an applicant's qualifications for admission to the 57859

appropriate examination. A member of the board or the executive 57860
director may be appointed as the entrance examiner. 57861

(B) Requirements for admission to examination for a 57862
psychologist license shall be that the applicant: 57863

(1) Is at least twenty-one years of age; 57864

(2) Meets one of the following requirements: 57865

(a) Received an earned doctoral degree from an institution 57866
accredited or recognized by a national or regional accrediting 57867
agency and a program accredited by any of the following: 57868

(i) The American psychological association, office of 57869
program consultation and accreditation; 57870

(ii) The accreditation office of the Canadian 57871
psychological association; 57872

(iii) A program listed by the association of state and 57873
provincial psychology boards/national register designation 57874
committee; 57875

(iv) The national association of school psychologists. 57876

(b) Received an earned doctoral degree in psychology or 57877
school psychology from an institution accredited or recognized 57878
by a national or regional accrediting agency but the program 57879
does not meet the program accreditation requirements of division 57880
(B) (2) (a) of this section; 57881

(c) Received from an academic institution outside of the 57882
United States or Canada a degree determined, under rules adopted 57883
by the board under division (F) of this section, to be 57884
equivalent to a doctoral degree in psychology from a program 57885
described in division (B) (2) (a) of this section; 57886

(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.

(3) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

(4) If applying under division (B) (2) (b) or (c) of this section, has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be postdoctoral. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

(C) Requirements for admission to examination for an independent school psychologist license shall be that the applicant:

(1) Has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, including those approved by the state board of education for the training of independent school psychologists, at least a master's degree in school psychology, or a degree considered equivalent by the board;

(2) Is at least twenty-one years of age;

(3) Has completed at least sixty quarter hours, or the

semester hours equivalent, at the graduate level, of accredited 57916
study in course work relevant to the study of school psychology; 57917

(4) Has completed an internship in an educational 57918
institution approved by the ~~Ohio~~ department of education and 57919
workforce for school psychology supervised experience or one 57920
year of other training experience acceptable to the board, such 57921
as supervised professional experience under the direction of a 57922
licensed psychologist, licensed independent school psychologist, 57923
or licensed school psychologist; 57924

(5) Furnishes proof of at least twenty-seven months, 57925
exclusive of internship, of full-time experience as a 57926
certificated school psychologist employed by a board of 57927
education or a private school meeting the standards prescribed 57928
by the ~~state board director~~ of education and workforce, or of 57929
experience that the board deems equivalent. 57930

(D) Requirements for admission to examination for a school 57931
psychologist shall be that the applicant: 57932

(1) Has received from an educational institution 57933
accredited or recognized by national or regional accrediting 57934
agencies as maintaining satisfactory standards, including those 57935
approved by the state board of education for the training of 57936
school psychologists, at least a master's degree in school 57937
psychology, or a degree considered equivalent by the board; 57938

(2) Is at least twenty-one years of age; 57939

(3) Has completed a nine month, full-time internship in an 57940
approved school setting as described in rules adopted by the 57941
board. 57942

(E) If the entrance examiner finds that the applicant 57943
meets the requirements set forth in this section, the applicant 57944

shall be admitted to the appropriate examination. 57945

(F) The board shall adopt under Chapter 119. of the 57946
Revised Code rules for determining for the purposes of division 57947
(B) (2) (c) of this section whether a degree is equivalent to a 57948
degree in psychology from an institution in the United States. 57949

Sec. 4735.09. (A) Application for a license as a real 57950
estate salesperson shall be made to the superintendent of real 57951
estate on forms furnished by the superintendent and signed by 57952
the applicant. The application shall be in the form prescribed 57953
by the superintendent and shall contain such information as is 57954
required by this chapter and the rules of the Ohio real estate 57955
commission. The application shall be accompanied by the 57956
recommendation of the real estate broker with whom the applicant 57957
is associated or with whom the applicant intends to be 57958
associated, certifying that the applicant is honest and 57959
truthful, and has not been finally adjudged by a court to have 57960
violated any municipal, state, or federal civil rights laws 57961
relevant to the protection of purchasers or sellers of real 57962
estate, which conviction or adjudication the applicant has not 57963
disclosed to the superintendent, and recommending that the 57964
applicant be admitted to the real estate salesperson 57965
examination. 57966

(B) A fee of eighty-one dollars shall accompany the 57967
application, which fee includes the fee for the initial year of 57968
the licensing period, if a license is issued. The initial year 57969
of the licensing period commences at the time the license is 57970
issued and ends on the applicant's first birthday thereafter. 57971
The application fee shall be nonrefundable. A fee of eighty-one 57972
dollars shall be charged by the superintendent for each 57973
successive application made by the applicant. One dollar of each 57974

application fee shall be credited to the real estate education 57975
and research fund. 57976

(C) There shall be no limit placed on the number of times 57977
an applicant may retake the examination. 57978

(D) The superintendent, with the consent of the 57979
commission, may enter into an agreement with a recognized 57980
national testing service to administer the real estate 57981
salesperson's examination under the superintendent's supervision 57982
and control, consistent with the requirements of this chapter as 57983
to the contents of the examination. 57984

If the superintendent, with the consent of the commission, 57985
enters into an agreement with a national testing service to 57986
administer the real estate salesperson's examination, the 57987
superintendent may require an applicant to pay the testing 57988
service's examination fee directly to the testing service. If 57989
the superintendent requires the payment of the examination fee 57990
directly to the testing service, each applicant shall submit to 57991
the superintendent a processing fee in an amount determined by 57992
the Ohio real estate commission pursuant to division (A) (1) of 57993
section 4735.10 of the Revised Code. 57994

(E) The superintendent shall issue a real estate 57995
salesperson's license when satisfied that the applicant has 57996
received a passing score on each portion of the salesperson's 57997
examination as determined by rule by the real estate commission, 57998
except that the superintendent may waive one or more of the 57999
requirements of this section in the case of an applicant who is 58000
a licensed real estate salesperson in another state pursuant to 58001
a reciprocity agreement with the licensing authority of the 58002
state from which the applicant holds a valid real estate 58003
salesperson's license. 58004

(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant:	58005 58006 58007
(1) Is honest and truthful;	58008
(2) (a) Has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code;	58009 58010 58011
(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant again will violate the laws involved.	58012 58013 58014 58015 58016 58017 58018 58019 58020 58021
(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;	58022 58023 58024 58025 58026 58027
(4) Is at least eighteen years of age;	58028
(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education <u>under section 3301.80 of the Revised Code</u> ;	58029 58030 58031 58032
(6) Has successfully completed at an institution of higher	58033

education all of the following credit-eligible courses by either classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(c) Twenty hours of instruction in real estate appraisal;

(d) Twenty hours of instruction in real estate finance.

(G) (1) Successful completion of the instruction required by division (F) (6) of this section shall be determined by the law in effect on the date the instruction was completed.

(2) Division (F) (6) (c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course

that is designed and marketed as satisfying the salesperson 58063
license education requirements of division (F) (6) of this 58064
section. The state authorizing entity may consult with the 58065
superintendent in reviewing the course for compliance with this 58066
section. 58067

(I) Any person who has not been licensed as a real estate 58068
salesperson or broker within a four-year period immediately 58069
preceding the person's current application for the salesperson's 58070
examination shall have successfully completed the prelicensure 58071
instruction required by division (F) (6) of this section within a 58072
ten-year period immediately preceding the person's current 58073
application for the salesperson's examination. 58074

(J) Not earlier than the date of issue of a real estate 58075
salesperson's license to a licensee, but not later than twelve 58076
months after the date of issue of a real estate salesperson 58077
license to a licensee, the licensee shall submit proof 58078
satisfactory to the superintendent, on forms made available by 58079
the superintendent, of the completion of twenty hours of 58080
instruction that shall be completed in schools, seminars, and 58081
educational institutions approved by the commission. The 58082
instruction shall include, but is not limited to, current 58083
practices relating to commercial real estate, property 58084
management, short sales, and land contracts; contract law; 58085
federal and state programs; economic conditions; and fiduciary 58086
responsibility. Approval of the curriculum and providers shall 58087
be granted according to rules adopted pursuant to section 58088
4735.10 of the Revised Code and may be taken through classroom 58089
instruction or distance education. 58090

If proof of completion of the required instruction is not 58091
submitted within twelve months of the date a license is issued 58092

under this section, the licensee's license is suspended 58093
automatically without the taking of any action by the 58094
superintendent. The superintendent immediately shall notify the 58095
broker with whom such salesperson is associated of the 58096
suspension of the salesperson's license. A salesperson whose 58097
license has been suspended under this division shall have twelve 58098
months after the date of the suspension of the salesperson's 58099
license to submit proof of successful completion of the 58100
instruction required under this division. No such license shall 58101
be reactivated by the superintendent until it is established, to 58102
the satisfaction of the superintendent, that the requirements of 58103
this division have been met and that the licensee is in 58104
compliance with this chapter. A licensee's license is revoked 58105
automatically without the taking of any action by the 58106
superintendent when the licensee fails to submit the required 58107
proof of completion of the education requirements under division 58108
(I) of this section within twelve months of the date the license 58109
is suspended. 58110

(K) Examinations shall be administered with reasonable 58111
accommodations in accordance with the requirements of the 58112
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 58113
U.S.C. 12189. The contents of an examination shall be consistent 58114
with the classroom instructional requirements of division (F) (6) 58115
of this section. An applicant who has completed the classroom 58116
instructional requirements of division (F) (6) of this section at 58117
the time of application shall be examined no later than twelve 58118
months after the applicant is notified of the applicant's 58119
admission to the examination. 58120

Sec. 4742.02. (A) ~~The state board~~ department of education_ 58121
and workforce, in conjunction with emergency service providers, 58122
shall develop and implement a program to provide emergency 58123

service telecommunicator training, ~~and shall implement the~~ 58124
~~program not more than one year after the effective date of this~~ 58125
~~section.~~ In developing the program, the ~~state board~~ department 58126
and the emergency service providers shall accept and consider 58127
suggestions from any political subdivision or other entity, 58128
whether located within or outside of this state, that offers 58129
suggestions. The program shall include all of the following: 58130

(1) A curriculum for a basic course of emergency service 58131
telecommunicator training that conforms to the requirements of 58132
division (A) of section 4742.03 of the Revised Code; 58133

(2) A curriculum for continuing education coursework in 58134
emergency service telecommunicator training that conforms to the 58135
requirements of division (B) of section 4742.03 of the Revised 58136
Code; 58137

(3) Standards and examinations to be used in the program 58138
to certify that a person has successfully completed a basic 58139
course of, or continuing education coursework in, emergency 58140
service telecommunicator training; 58141

(4) Implementation of the training program at vocational 58142
education centers that are approved by the board to offer 58143
vocational education; 58144

(5) The provision at least eight times per year of a basic 58145
course of emergency service telecommunicator training at 58146
different vocational education centers around this state 58147
selected to reasonably accommodate persons requesting the 58148
training; 58149

(6) A requirement that any employee of an emergency 58150
service provider may enroll in and complete any course offered 58151
under the program at no charge by the ~~state board~~ department to 58152

the employee or provider. The tuition and materials costs for 58153
training such employees under the program shall be paid from the 58154
emergency service telecommunicator training fund created under 58155
division (B) of this section. 58156

(7) A requirement that space available in each basic 58157
course offered by the ~~state board~~ department shall be allocated 58158
on a priority basis, first to unpaid volunteers of emergency 58159
service providers, second to paid volunteers of such providers, 58160
and third to other persons; 58161

(8) A provision allowing persons who are not employees of 58162
emergency service providers to enroll in any course offered 58163
under the program, on a space-available basis. The ~~state board~~ 58164
department may charge reasonable tuition to such persons to 58165
attend the course. 58166

(B) The emergency service telecommunicator training fund 58167
is hereby established in the state treasury. The ~~state board of~~ 58168
~~education~~ department shall use money in the fund only for the 58169
following purposes: 58170

(1) To develop the emergency service telecommunicator 58171
training program required under division (A) of this section; 58172

(2) To pay the compensation of ~~state board of education~~ 58173
department employees who administer the program and the ~~state~~ 58174
~~board's~~ department's costs of training employees of emergency 58175
service providers at courses offered under the program. 58176

(C) The ~~state board of education~~ department, in accordance 58177
with Chapter 119. of the Revised Code, shall adopt rules 58178
necessary to develop and administer the training program under 58179
this section. 58180

Sec. 4742.03. (A) A person may obtain certification as an 58181

emergency service telecommunicator by successfully completing a 58182
basic course of emergency service telecommunicator training that 58183
is conducted by the ~~state board~~ department of education and 58184
workforce under section 4742.02 of the Revised Code. The basic 58185
course of emergency service telecommunicator training shall 58186
include, but not be limited to, both of the following: 58187

(1) At least forty hours of instruction or training; 58188

(2) Instructional or training units in all of the 58189
following subjects: 58190

(a) The role of the emergency service telecommunicator; 58191

(b) Effective communication skills; 58192

(c) Emergency service telecommunicator liability; 58193

(d) Telephone techniques; 58194

(e) Requirements of the "Americans With Disabilities Act 58195
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 58196
pertain to emergency service telecommunicators; 58197

(f) Handling hysterical and suicidal callers; 58198

(g) Informing individuals who call about an apparent drug 58199
overdose about the immunity from prosecution for a minor drug 58200
possession offense created by section 2925.11 of the Revised 58201
Code; 58202

(h) Law enforcement terminology; 58203

(i) Fire service terminology; 58204

(j) Emergency medical service terminology; 58205

(k) Emergency call processing guides for law enforcement; 58206

(l) Emergency call processing guides for fire service; 58207

(m) Emergency call processing guides for emergency medical service;	58208 58209
(n) Radio broadcast techniques;	58210
(o) Disaster planning;	58211
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	58212 58213 58214
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	58215 58216 58217 58218 58219 58220 58221 58222 58223
(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the state board of education department or a the department's designee of the board shall certify the person's successful completion. The board department shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.	58224 58225 58226 58227 58228 58229 58230
If a person successfully completes the continuing education coursework described in division (B) of this section, the state board of education or a designee of the board department shall certify the person's successful completion. The board department shall send a copy of the certification to the person and to the emergency service provider by whom the person	58231 58232 58233 58234 58235 58236

is employed. 58237

Sec. 4742.05. (A) A career school that holds a valid 58238
certificate of registration from the state board of career 58239
colleges and schools may apply to the ~~state board department of~~ 58240
~~education and workforce~~ for certification of a basic course of 58241
emergency service telecommunicator training or of continuing 58242
education coursework in emergency service telecommunicator 58243
training. The ~~state board of education department~~ shall 58244
prescribe the form of the application. 58245

(B) Upon receipt of an application, the ~~state board of~~ 58246
~~education department~~ shall review it and consider whether the 58247
proposed course or coursework meets the requirements of division 58248
(A) or (B) of section 4742.03 of the Revised Code concerning 58249
course length and content. If the proposed course or coursework 58250
meets those requirements, the ~~state board of education~~ 58251
~~department~~ shall issue a certification of that fact to the 58252
career school. Inclusion of on-site verifiable electronic 58253
training as part of a proposed basic or continuing education 58254
course shall not be a reason for the ~~state board department to~~ 58255
deny certification. 58256

(C) If, after receiving a certification from the ~~state~~ 58257
~~board of education department~~ under this section, the career 58258
school changes the approved course or coursework, the prior 58259
certification is canceled and the career school shall apply to 58260
the ~~state board of education department~~ for certification of the 58261
changed course or coursework. 58262

Sec. 4742.06. (A) A person may obtain certification as an 58263
emergency service telecommunicator by successfully completing a 58264
basic course of emergency service telecommunicator training that 58265
is conducted by a career school that has obtained certification 58266

of that course from the ~~state board~~ department of education and workforce under section 4742.05 of the Revised Code. If a person successfully completes the course, the career school shall certify the person's successful completion.

(B) A person may maintain certification as an emergency service telecommunicator by successfully completing continuing education coursework in emergency service telecommunicator training that is conducted by a career school that has obtained certification of that coursework from the ~~state board of education~~ department under section 4742.05 of the Revised Code. If a person successfully completes the coursework, the career school shall certify the person's successful completion.

(C) Upon certification of a person's successful completion under division (A) or (B) of this section, the career school shall send a copy of the certification to the person and to the emergency service provider that employs the person.

(D) Tuition and materials costs for a person enrolled in a certified basic or continuing education course conducted by a career school shall be paid by the person, an emergency service provider, or any other entity on behalf of the person or an emergency service provider.

Sec. 4742.07. The ~~state board~~ department of education and workforce and any emergency service provider or career school that certifies emergency service telecommunicators shall comply with section 4776.20 of the Revised Code.

Sec. 4743.03. No board, commission, or agency created under or by virtue of Title 47 of the Revised Code shall restrict entry into any occupation, profession, or trade under its supervision or regulation by:

(A) Unreasonably restricting the number of schools or 58296
other institutions it certifies or accredits for the purpose of 58297
fulfilling educational or training requirements for such 58298
occupation, profession, or trade; 58299

(B) Denying certification or accreditation for the purpose 58300
of fulfilling such educational or training requirements to any 58301
school, college, or other educational institution that has been 58302
certified by the ~~Ohio board chancellor of regents higher~~ 58303
education or the state board of career colleges and schools or 58304
to a high school for which the ~~state board director~~ of education 58305
and workforce prescribes minimum standards under division (D) of 58306
section 3301.07 of the Revised Code, unless the educational or 58307
training program offered by such school, college, or institution 58308
is not in substantial compliance with applicable standards of 58309
the occupation, profession, or trade. 58310

(C) Rules of state regulatory boards relevant to age and 58311
level of education required for admission to courses of study 58312
leading to examination and licensing in professions or 58313
occupations controlled by regulatory boards not requiring a 58314
technical, associate, or baccalaureate degree shall not apply to 58315
vocational education programs conducted in the public schools 58316
where such vocational education programs in all other respects 58317
meet the minimum standards and requirements of any regulatory 58318
board and students completing such programs are of the minimum 58319
age required for examination and licensing for the purpose of 58320
practicing professions or occupations controlled by regulatory 58321
boards. 58322

Nothing in this section shall prohibit a board, 58323
commission, or agency from prescribing and enforcing educational 58324
and training requirements and standards for certification and 58325

accreditation of schools and other institutions that constitute 58326
reasonable bases for maintaining necessary standards of 58327
performance in any occupation, profession, or trade. 58328

Sec. 4747.10. Each person currently engaged in training to 58329
become a licensed hearing aid dealer or fitter shall apply to 58330
the state speech and hearing professionals board for a hearing 58331
aid dealer's and fitter's trainee permit. The board shall issue 58332
to each applicant within thirty days of receipt of a properly 58333
completed application and payment of an application fee set by 58334
the board in rules adopted under section 4747.04 of the Revised 58335
Code, a trainee permit if such applicant meets all of the 58336
following criteria: 58337

(A) Is at least eighteen years of age; 58338

(B) Is the holder of a diploma from an accredited high 58339
school or a certificate of high school equivalence issued ~~by the~~ 58340
~~department of education~~under section 3301.80 of the Revised 58341
Code; 58342

(C) Is free of contagious or infectious disease. 58343

The board shall not deny a trainee permit issued under 58344
this section to any individual based on the individual's past 58345
criminal history unless the denial is in accordance with section 58346
9.79 of the Revised Code. 58347

In considering a renewal of an individual's trainee 58348
permit, the board shall not consider any conviction or plea of 58349
guilty prior to the issuance of the initial trainee permit. 58350
However, the board may consider a conviction or plea of guilty 58351
if it occurred after the individual was initially granted the 58352
trainee permit, or after the most recent trainee permit renewal. 58353
The board shall comply with Chapter 119. of the Revised Code 58354

when denying an individual for a trainee permit or renewal. 58355
Additionally, the board may grant an individual a conditional 58356
trainee permit that lasts for one year. After the one-year 58357
period has expired, the permit is no longer considered 58358
conditional, and the individual shall be considered to be 58359
granted a full trainee permit. 58360

Each trainee permit issued by the board expires one year 58361
from the date it was first issued, and may be renewed once if 58362
the trainee has not successfully completed the qualifying 58363
requirements for licensing as a hearing aid dealer or fitter 58364
before the expiration date of such permit. The board shall issue 58365
a renewed permit to each applicant upon receipt of a properly 58366
completed application and payment of a renewal fee set by the 58367
board in rules adopted under section 4747.04 of the Revised 58368
Code. No person holding a trainee permit shall engage in the 58369
practice of dealing in or fitting of hearing aids except while 58370
under supervision by a licensed hearing aid dealer or fitter. 58371

Sec. 4757.41. (A) This chapter shall not apply to the 58372
following: 58373

(1) A person certified by the state board of education 58374
under Chapter 3319. of the Revised Code while performing any 58375
services within the person's scope of employment by a board of 58376
education or by a private school meeting the standards 58377
prescribed by the ~~state board~~ director of education and 58378
workforce under division (D) of section 3301.07 of the Revised 58379
Code or in a program operated under Chapter 5126. of the Revised 58380
Code for training individuals with developmental disabilities; 58381

(2) Psychologists, independent school psychologists, or 58382
school psychologists licensed under Chapter 4732. of the Revised 58383
Code; 58384

(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;

(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sect or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;

(7) An individual who holds a license or certificate under

Chapter 4758. of the Revised Code who is acting within the scope	58415
of the individual's license or certificate as a member of the	58416
profession of chemical dependency counseling or prevention	58417
services;	58418
(8) Any person employed by the American red cross while	58419
engaging in activities relating to services for military	58420
families and veterans and disaster relief, as described in the	58421
"American National Red Cross Act," 33 Stat. 599 (1905), 36	58422
U.S.C.A. 1, as amended;	58423
(9) Members of labor organizations who hold union	58424
counselor certificates while performing services in their	58425
official capacity as union counselors;	58426
(10) Any person employed in a hospital as defined in	58427
section 3727.01 of the Revised Code or in a nursing home as	58428
defined in section 3721.01 of the Revised Code while providing	58429
as a hospital employee or nursing home employee, respectively,	58430
social services other than counseling and the use of	58431
psychosocial interventions and social psychotherapy;	58432
(11) A vocational rehabilitation professional who is	58433
providing rehabilitation services to individuals under section	58434
3304.17 of the Revised Code, or holds certification by the	58435
commission on rehabilitation counselor certification and is	58436
providing rehabilitation counseling services consistent with the	58437
commission's standards;	58438
(12) A caseworker not licensed under this chapter as an	58439
independent social worker or social worker who is employed by a	58440
public children services agency under section 5153.112 of the	58441
Revised Code.	58442
(B) Divisions (A) (5) and (10) of this section do not	58443

prevent a person described in those divisions from obtaining a 58444
license or certificate of registration under this chapter. 58445

(C) Except as provided in divisions (A) and (D) of this 58446
section, no employee in the service of the state, including 58447
public employees as defined by Chapter 4117. of the Revised 58448
Code, shall engage in the practice of professional counseling, 58449
social work, or marriage and family therapy without the 58450
appropriate license issued by the board. Failure to comply with 58451
this division constitutes nonfeasance under section 124.34 of 58452
the Revised Code or just cause under a collective bargaining 58453
agreement. Nothing in this division restricts the director of 58454
administrative services from developing new classifications 58455
related to this division or from reassigning affected employees 58456
to appropriate classifications based on the employee's duties 58457
and qualifications. 58458

(D) Except as provided in division (A) of this section, an 58459
employee who was engaged in the practice of professional 58460
counseling, social work, or marriage and family therapy in the 58461
service of the state prior to July 10, 2014, including public 58462
employees as defined by Chapter 4117. of the Revised Code, shall 58463
comply with division (C) of this section within two years after 58464
July 10, 2014. Any such employee who fails to comply shall be 58465
removed from employment. 58466

(E) Nothing in this chapter prevents a public children 58467
services agency from employing as a caseworker a person not 58468
licensed under this chapter as an independent social worker or 58469
social worker who has the qualifications specified in section 58470
5153.112 of the Revised Code. 58471

Sec. 4758.61. An individual who holds a valid prevention 58472
specialist assistant certificate or registered applicant 58473

certificate issued under this chapter may engage in the practice 58474
of prevention services under the supervision of any of the 58475
following: 58476

(A) A prevention consultant or prevention specialist 58477
certified under this chapter; 58478

(B) An individual authorized under Chapter 4731. of the 58479
Revised Code to practice medicine and surgery or osteopathic 58480
medicine and surgery; 58481

(C) A psychologist licensed under Chapter 4732. of the 58482
Revised Code; 58483

(D) A registered nurse licensed under Chapter 4723. of the 58484
Revised Code; 58485

(E) A licensed professional clinical counselor, a licensed 58486
professional counselor, an independent social worker, a social 58487
worker, an independent marriage and family therapist, or a 58488
marriage and family therapist licensed under Chapter 4757. of 58489
the Revised Code; 58490

(F) A school counselor licensed by the ~~department~~ state 58491
board of education pursuant to section 3319.22 of the Revised 58492
Code; 58493

(G) A health education specialist certified by the 58494
national commission for health education credentialing; 58495

(H) An individual authorized to practice as a certified 58496
nurse practitioner or clinical nurse specialist under Chapter 58497
4723. of the Revised Code. 58498

Sec. 4779.13. To be eligible for a license to practice 58499
pedorthics, an applicant must meet both of the following 58500
requirements: 58501

(A) Holds a high school diploma or certificate of high school equivalence issued by the department of education and workforce, or a primary-secondary education or higher education agency of another state;

(B) Has completed the education, training, and experience required to take the certification examination developed by the Ohio occupational therapy, physical therapy, and athletic trainers board for certification in pedorthics or an equivalent successor organization recognized by the board.

Sec. 5101.061. (A) There is hereby established in the department of job and family services the office of human services innovation. The office shall develop recommendations, as described in division (B) of this section, regarding the coordination and reform of state programs to assist the residents of this state in preparing for life and the dignity of work and to promote individual responsibility and work opportunity.

The director of job and family services shall establish the office's organizational structure, may reassign the department's staff and resources as necessary to support the office's activities, and is responsible for the office's operations. The department of education and workforce~~superintendent of public instruction~~, chancellor of higher education, and director of the governor's office of workforce transformation shall assist the director of job and family services with leadership and organizational support for the office.

(B) Not later than January 1, 2015, the office shall submit to the governor recommendations for all of the following:

(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty; 58531
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(2) Revising incentives for public assistance programs to foster person-centered case management; 58534
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(3) Standardizing and automating eligibility determination policies and processes for public assistance programs; 58536
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(4) Other matters the office considers appropriate. 58538

(C) Not later than three months after September 15, 2014, the office shall establish clear principles to guide the development of its recommendations, shall identify in detail the problems to be addressed in the recommendations, and shall make an inventory of all state and other resources that the office considers relevant to the recommendations. 58539
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(D) The office shall convene the directors and staff of the departments, agencies, offices, boards, commissions, and institutions of the executive branch of the state as necessary to develop the office's recommendations. The departments, agencies, offices, boards, commissions, and institutions shall comply with all requests and directives that the office makes, subject to the supervision of the directors of the departments, agencies, offices, boards, commissions, and institutions. The office also shall convene other individuals interested in the issues that the office addresses in the development of the recommendations to obtain their input on, and support for, the recommendations. 58545
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Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following 58557
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members:	58560
(1) (a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. Two of the members must be from legislative districts that include a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.	58561 58562 58563 58564 58565 58566 58567
(b) Two members of the senate appointed by the president of the senate, each from a different political party. One of the members must be from a legislative district that includes a county or part of a county that is among the one-third of counties in this state with the highest number per capita of households headed by females.	58568 58569 58570 58571 58572 58573
(2) The governor, or the governor's designee;	58574
(3) One representative of the judicial branch of government appointed by the chief justice of the supreme court;	58575 58576
(4) The directors of health, job and family services, rehabilitation and correction, mental health and addiction services, and youth services and the superintendent of public instruction, and education and workforce , or their designees;	58577 58578 58579 58580
(5) One representative of the Ohio family and children first cabinet council created under section 121.37 of the Revised Code appointed by the chairperson of the council;	58581 58582 58583
(6) Five representatives of the general public appointed by the governor. These members shall have extensive experience in issues related to fatherhood.	58584 58585 58586
(B) The appointing authorities of the Ohio commission on	58587

fatherhood shall make initial appointments to the commission 58588
within thirty days after September 29, 1999. Of the initial 58589
appointments to the commission made pursuant to divisions (A) 58590
(3), (5), and (6) of this section, three of the members shall 58591
serve a term of one year and four shall serve a term of two 58592
years. Members so appointed subsequently shall serve two-year 58593
terms. A member appointed pursuant to division (A)(1) of this 58594
section shall serve on the commission until the end of the 58595
general assembly from which the member was appointed or until 58596
the member ceases to serve in the chamber of the general 58597
assembly in which the member serves at the time of appointment, 58598
whichever occurs first. The governor or the governor's designee 58599
shall serve on the commission until the governor ceases to be 58600
governor. The directors ~~and superintendent~~ or their designees 58601
shall serve on the commission until they cease, or the director 58602
~~or superintendent~~ a designee represents ceases, to be director 58603
~~or superintendent~~. Each member shall serve on the commission 58604
from the date of appointment until the end of the term for which 58605
the member was appointed. Members may be reappointed. 58606

Vacancies shall be filled in the manner provided for 58607
original appointments. Any member appointed to fill a vacancy 58608
occurring prior to the expiration date of the term for which the 58609
member's predecessor was appointed shall serve on the commission 58610
for the remainder of that term. A member shall continue to serve 58611
on the commission subsequent to the expiration date of the 58612
member's term until the member's successor is appointed or until 58613
a period of sixty days has elapsed, whichever occurs first. 58614
Members shall serve without compensation but shall be reimbursed 58615
for necessary expenses. 58616

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 58617
the Revised Code: 58618

(A) (1) "Association" or "institution" includes all of the following: 58619
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(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; 58621
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(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; 58625
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(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children. 58629
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(2) "Association" or "institution" does not include any of the following: 58635
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(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education and workforce, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities; 58637
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(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody; 58645
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(c) A private, nonprofit therapeutic wilderness camp;	58648
(d) A qualified organization as defined in section 2151.90 of the Revised Code.	58649 58650
(B) "Family foster home" means a foster home that is not a specialized foster home.	58651 58652
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	58653 58654 58655
(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.	58656 58657 58658 58659 58660 58661 58662 58663 58664
(E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.	58665 58666
(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:	58667 58668 58669 58670
(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.	58671 58672 58673
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the	58674 58675

instability of their medical conditions.	58676
(3) The children require the services of a registered nurse on a daily basis.	58677 58678
(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	58679 58680 58681
(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:	58682 58683 58684 58685 58686
(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.	58687 58688 58689
(2) The children have been placed there by their parents or another relative having custody.	58690 58691
(3) The camp accepts no public funds for use in its operations.	58692 58693
(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:	58694 58695 58696 58697 58698
(1) Issue a certificate;	58699
(2) Deny a certificate;	58700
(3) Renew a certificate;	58701
(4) Deny renewal of a certificate;	58702

(5) Revoke a certificate.	58703
(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.	58704 58705
(J) "Resource family" means a foster home or the kinship caregiver family.	58706 58707
(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	58708 58709
(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.	58710 58711 58712 58713 58714 58715 58716
Sec. 5103.08. The department of job and family services may enter into contracts with the department of education <u>and</u> <u>workforce</u> authorizing the department of job and family services to administer funds received by the department of education <u>and</u> <u>workforce</u> under the "State Dependent Care Development Grants Act," 100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling its duties under such a contract, the department of job and family services may make grants to or enter into contracts with other public or private entities.	58717 58718 58719 58720 58721 58722 58723 58724 58725
Sec. 5103.13. (A) As used in this section and section 5103.131 of the Revised Code:	58726 58727
(1) (a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:	58728 58729 58730

(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;

(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere.

(b) "Children's crisis care facility" does not include any of the following:

(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education and workforce, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(ii) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody;

(iii) Any residential infant care center, as an entity deemed a residential infant care center under section 5103.602 of the Revised Code shall no longer be licensed as a children's crisis care center.

(2) "Legal custody" and "permanent custody" have the same meanings as in section 2151.011 of the Revised Code. 58760
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(3) "Pediatric medical service" means medical service 58762
required to be provided by, or with oversight from, a licensed 58763
medical professional, including prescribing medication, 58764
administering rectal or intravenous medication, and outpatient 58765
laboratory service, and providing for sick visits, on-site well 58766
child exams, and children assisted by medical technology. 58767

(4) "Preteen" means an individual under thirteen years of 58768
age. 58769

(B) No person shall operate a children's crisis care 58770
facility or hold a children's crisis care facility out as a 58771
certified children's crisis care facility unless there is a 58772
valid children's crisis care facility certificate issued under 58773
this section for the facility. 58774

(C) (1) A person seeking to operate a children's crisis 58775
care facility shall apply to the director of job and family 58776
services to obtain a certificate for the facility. 58777

(2) (a) The director shall certify the person's children's 58778
crisis care facility if the facility meets all of the 58779
certification standards established in rules adopted under 58780
division (H) of this section and the person complies with all of 58781
the rules governing the certification of children's crisis care 58782
facilities adopted under that division. The issuance of a 58783
children's crisis care facility certificate does not exempt the 58784
facility from a requirement to obtain another certificate or 58785
license mandated by law. 58786

(b) The director shall not issue a waiver to a person for 58787
compliance with any of the requirements imposed under this 58788

section or any of the rules adopted under division (H) of this section. 58789
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(D) No certified children's crisis care facility shall do any of the following: 58791
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(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year; 58793
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(2) Provide residential care to a preteen for more than ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E) (4) of this section; 58795
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(3) Provide residential care to a preteen for more than fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility; 58799
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(4) Fail to comply with section 2151.86 of the Revised Code. 58803
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(E) A certified children's crisis care facility shall do the following: 58805
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(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor; 58807
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(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service: 58810
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(a) Medical service to be provided by a qualified, licensed, and insured medical professional; 58813
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(b) All staff, volunteers, and interns to comply with the 58815

privacy requirements of the "Health Insurance Portability and 58816
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 58817
2021, 42 U.S.C. 1320d et seq., as amended; 58818

(c) If a preteen is admitted by the preteen's parent or 58819
caretaker and if the preteen requires ongoing medical care 58820
following discharge from the facility, a medical professional or 58821
licensed social worker to make the medical professional's or 58822
social worker's best effort to ensure the parent or caretaker is 58823
competent to provide the ongoing care; 58824

(d) The facility to have a dedicated and private enclosed 58825
space for the purpose of a medical professional to receive and 58826
treat patients and that contains a sink or tub, medical exam 58827
table, medical record system, and pediatric medical equipment. 58828

(3) Require, if a preteen is admitted by the preteen's 58829
parent or caretaker, the facility's licensed social worker, 58830
licensed independent social worker, licensed professional 58831
counselor, or licensed professional clinical counselor to make 58832
their best efforts to ensure the parent or caretaker is 58833
competent in the basic parenting skills needed to care for the 58834
preteen; 58835

(4) Require only a transfer summary for the transfer of a 58836
preteen from one certified children's crisis care facility 58837
location to another, if the facility has more than one location; 58838

(5) Require the facility to have a dedicated and private 58839
enclosed space for the purpose of completing required admission 58840
paperwork and medical forms; 58841

(6) Require the facility to develop a visitation plan for 58842
the preteen's parent or caretaker with the preteen while 58843
residential care is being provided, which shall occur during 58844

awake hours and not include overnight visits, for the parent or 58845
caretaker with the preteen. 58846

(F) A certified children's crisis care facility may do the 58847
following: 58848

(1) Count administrative staff, interns, and volunteers 58849
toward child staff ratios required under paragraph (G) of rule 58850
5101:2-9-36 of the Administrative Code for up to three hours if 58851
the administrative staff, interns, or volunteers meet the 58852
following requirements: 58853

(a) Completed training in the mission of the children's 58854
crisis care facility; 58855

(b) Completed training pursuant to rule 5101:2-9-03 of the 58856
Administrative Code; 58857

(c) Are supervised by facility staff. 58858

(2) Use contracted transportation providers, on whom 58859
criminal records checks have been conducted in accordance with 58860
section 2151.86 of the Revised Code, to transport preteens, if 58861
such use is necessary for the facility to maintain required 58862
child staff ratios. 58863

(G) The director of job and family services may suspend or 58864
revoke a children's crisis care facility's certificate pursuant 58865
to Chapter 119. of the Revised Code if the facility violates or 58866
fails to comply with any of the requirements under this section 58867
or ceases to meet any of the certification standards established 58868
in rules adopted under division (H) of this section or the 58869
facility's operator ceases to comply with any of the rules 58870
governing the certification of children's crisis care facilities 58871
adopted under that division. 58872

(H) Not later than ninety days after September 21, 2006, 58873
the director of job and family services shall adopt rules 58874
pursuant to Chapter 119. of the Revised Code for the 58875
certification of children's crisis care facilities. The rules 58876
shall specify that a certificate shall not be issued to an 58877
applicant if the conditions at the children's crisis care 58878
facility would jeopardize the health or safety of the preteens 58879
placed in the facility. 58880

Sec. 5103.55. A parent of a child attending a private, 58881
nonprofit therapeutic wilderness camp is not relieved of the 58882
parent's obligations regarding compulsory school attendance 58883
pursuant to section 3321.04 or 3321.042 of the Revised Code. 58884

Sec. 5104.01. As used in this chapter: 58885

(A) "Administrator" means the person responsible for the 58886
daily operation of a center, type A home, or approved child day 58887
camp. The administrator and the owner may be the same person. 58888

(B) "Approved child day camp" means a child day camp 58889
approved pursuant to section 5104.22 of the Revised Code. 58890

(C) "Authorized representative" means an individual 58891
employed by a center, type A home, or approved child day camp 58892
that is owned by a person other than an individual and who is 58893
authorized by the owner to do all of the following: 58894

(1) Communicate on the owner's behalf; 58895

(2) Submit on the owner's behalf applications for 58896
licensure or approval; 58897

(3) Enter into on the owner's behalf provider agreements 58898
for publicly funded child care. 58899

(D) "Border state child care provider" means a child care 58900

provider that is located in a state bordering Ohio and that is 58901
licensed, certified, or otherwise approved by that state to 58902
provide child care funded by the child care block grant act. 58903

(E) "Career pathways model" means an alternative pathway 58904
to meeting the requirements to be a child-care staff member or 58905
administrator that does both of the following: 58906

(1) Uses a framework approved by the director of job and 58907
family services to document formal education, training, 58908
experience, and specialized credentials and certifications; 58909

(2) Allows the child-care staff member or administrator to 58910
achieve a designation as an early childhood professional level 58911
one, two, three, four, five, or six. 58912

(F) "Caretaker parent" means the father or mother of a 58913
child whose presence in the home is needed as the caretaker of 58914
the child, a person who has legal custody of a child and whose 58915
presence in the home is needed as the caretaker of the child, a 58916
guardian of a child whose presence in the home is needed as the 58917
caretaker of the child, and any other person who stands in loco 58918
parentis with respect to the child and whose presence in the 58919
home is needed as the caretaker of the child. 58920

(G) "Chartered nonpublic school" means a school that meets 58921
standards for nonpublic schools prescribed by the ~~state board~~ 58922
director of education and workforce for nonpublic schools 58923
pursuant to section 3301.07 of the Revised Code. 58924

(H) "Child" includes an infant, toddler, preschool-age 58925
child, or school-age child. 58926

(I) "Child care block grant act" means the "Child Care and 58927
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 58928
U.S.C. 9858, as amended. 58929

(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.

(K) "Child care" means all of the following:

(1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;

(2) By persons other than their parents, guardians, or custodians;

(3) For part of the twenty-four-hour day;

(4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;

(5) By a provider required by this chapter to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.

(L) "Child day-care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child day-care center" and "center" do not include any of the following:

(1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the

needs of children are administered to, if all the children whose 58958
needs are being administered to are monitored under the on-site 58959
supervision of a physician licensed under Chapter 4731. of the 58960
Revised Code or a registered nurse licensed under Chapter 4723. 58961
of the Revised Code, and the services are provided only for 58962
children who, in the opinion of the child's parent, guardian, or 58963
custodian, are exhibiting symptoms of a communicable disease or 58964
other illness or are injured; 58965

(2) A child day camp; 58966

(3) A place that provides care, if all of the following 58967
apply: 58968

(a) An organized religious body provides the care; 58969

(b) A parent, custodian, or guardian of at least one child 58970
receiving care is on the premises and readily accessible at all 58971
times; 58972

(c) The care is not provided for more than thirty days a 58973
year; 58974

(d) The care is provided only for preschool-age and 58975
school-age children. 58976

(M) "Child care resource and referral service 58977
organization" means a community-based nonprofit organization 58978
that provides child care resource and referral services but not 58979
child care. 58980

(N) "Child care resource and referral services" means all 58981
of the following services: 58982

(1) Maintenance of a uniform data base of all child care 58983
providers in the community that are in compliance with this 58984
chapter, including current occupancy and vacancy data; 58985

(2) Provision of individualized consumer education to families seeking child care;	58986 58987
(3) Provision of timely referrals of available child care providers to families seeking child care;	58988 58989
(4) Recruitment of child care providers;	58990
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	58991 58992 58993 58994
(6) Collection and analysis of data on the supply of and demand for child care in the community;	58995 58996
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	58997 58998 58999
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	59000 59001 59002
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	59003 59004 59005
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	59006 59007 59008 59009 59010
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A	59011 59012 59013

family day-care homes. 59014

(O) "Child-care staff member" means an employee of a child 59015
day-care center, type A family day-care home, licensed type B 59016
family day-care home, or approved child day camp who is 59017
primarily responsible for the care and supervision of children. 59018
The administrator, authorized representative, or owner may be a 59019
child-care staff member when not involved in other duties. 59020

(P) "Drop-in child day-care center," "drop-in center," 59021
"drop-in type A family day-care home," and "drop-in type A home" 59022
mean a center or type A home that provides child care or 59023
publicly funded child care for children on a temporary, 59024
irregular basis. 59025

(Q) "Employee" means a person who either: 59026

(1) Receives compensation for duties performed in a child 59027
day-care center, type A family day-care home, licensed type B 59028
family day-care home, or approved child day camp; 59029

(2) Is assigned specific working hours or duties in a 59030
child day-care center, type A family day-care home, licensed 59031
type B family day-care home, or approved child day camp. 59032

(R) "Employer" means a person, firm, institution, 59033
organization, or agency that operates a child day-care center, 59034
type A family day-care home, licensed type B family day-care 59035
home, or approved child day camp subject to licensure or 59036
approval under this chapter. 59037

(S) "Federal poverty line" means the official poverty 59038
guideline as revised annually in accordance with section 673(2) 59039
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 59040
511, 42 U.S.C. 9902, as amended, for a family size equal to the 59041
size of the family of the person whose income is being 59042

determined.	59043
(T) "Head start program" means a school-readiness program	59044
that satisfies all of the following:	59045
(1) Is for children from birth to age five who are from	59046
low-income families;	59047
(2) Receives funds distributed under the "Improving Head	59048
Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as	59049
amended;	59050
(3) Is licensed as a child care program.	59051
(U) "Homeless child care" means child care provided to a	59052
child who satisfies any of the following:	59053
(1) Is homeless as defined in 42 U.S.C. 11302;	59054
(2) Is a homeless child or youth as defined in 42 U.S.C.	59055
11434a;	59056
(3) Resides temporarily with a caretaker in a facility	59057
providing emergency shelter for homeless families or is	59058
determined by a county department of job and family services to	59059
be homeless.	59060
(V) "Income" means gross income, as defined in section	59061
5107.10 of the Revised Code, less any amounts required by	59062
federal statutes or regulations to be disregarded.	59063
(W) "Indicator checklist" means an inspection tool, used	59064
in conjunction with an instrument-based program monitoring	59065
information system, that contains selected licensing	59066
requirements that are statistically reliable indicators or	59067
predictors of a child day-care center's type A family day-care	59068
home's, or licensed type B family day-care home's compliance	59069

with licensing requirements. 59070

(X) "Infant" means a child who is less than eighteen 59071
months of age. 59072

(Y) "In-home aide" means a person who does not reside with 59073
the child but provides care in the child's home and is certified 59074
by a county director of job and family services pursuant to 59075
section 5104.12 of the Revised Code to provide publicly funded 59076
child care to a child in a child's own home pursuant to this 59077
chapter and any rules adopted under it. 59078

(Z) "Instrument-based program monitoring information 59079
system" means a method to assess compliance with licensing 59080
requirements for child day-care centers, type A family day-care 59081
homes, and licensed type B family day-care homes in which each 59082
licensing requirement is assigned a weight indicative of the 59083
relative importance of the requirement to the health, growth, 59084
and safety of the children that is used to develop an indicator 59085
checklist. 59086

(AA) "License capacity" means the maximum number in each 59087
age category of children who may be cared for in a child day- 59088
care center, type A family day-care home, or licensed type B 59089
family day-care home at onetime as determined by the director 59090
of job and family services considering building occupancy limits 59091
established by the department of commerce, amount of available 59092
indoor floor space and outdoor play space, and amount of 59093
available play equipment, materials, and supplies. 59094

(BB) "Licensed child care program" means any of the 59095
following: 59096

(1) A child day-care center licensed by the department of 59097
job and family services pursuant to this chapter; 59098

(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter; 59099
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(3) A licensed preschool program or licensed school child program. 59102
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(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education and workforce pursuant to sections 3301.52 to 3301.59 of the Revised Code. 59104
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(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code. 59109
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(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter. 59113
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(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 59118
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(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 59120
59121

(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in 59122
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which the services of the corporation or association are 59128
provided only to children of the members of the corporation or 59129
association, ownership and control of the corporation or 59130
association rests solely with the members of the corporation or 59131
association, and at least one parent-member of the corporation 59132
or association is on the premises of the center or type A home 59133
during its hours of operation. 59134

(II) "Part-time child day-care center," "part-time 59135
center," "part-time type A family day-care home," and "part-time 59136
type A home" mean a center or type A home that provides child 59137
care or publicly funded child care for not more than four hours 59138
a day for any child or not more than fifteen consecutive weeks 59139
per year, regardless of the number of hours per day. 59140

(JJ) "Place of worship" means a building where activities 59141
of an organized religious group are conducted and includes the 59142
grounds and any other buildings on the grounds used for such 59143
activities. 59144

(KK) "Preschool-age child" means a child who is three 59145
years old or older but is not a school-age child. 59146

(LL) "Protective child care" means publicly funded child 59147
care for the direct care and protection of a child to whom all 59148
of the following apply: 59149

(1) A case plan has been prepared and maintained for the 59150
child pursuant to section 2151.412 of the Revised Code. 59151

(2) The case plan indicates a need for protective care. 59152

(3) The child resides with a parent, stepparent, guardian, 59153
or another person who stands in loco parentis as defined in 59154
rules adopted under section 5104.38 of the Revised Code. 59155

(MM) "Publicly funded child care" means administering to 59156
the needs of infants, toddlers, preschool-age children, and 59157
school-age children under age thirteen during any part of the 59158
twenty-four-hour day by persons other than their caretaker 59159
parents for remuneration wholly or in part with federal or state 59160
funds, including funds available under the child care block 59161
grant act, Title IV-A, and Title XX, distributed by the 59162
department of job and family services. 59163

(NN) "Religious activities" means any of the following: 59164
worship or other religious services; religious instruction; 59165
Sunday school classes or other religious classes conducted 59166
during or prior to worship or other religious services; youth or 59167
adult fellowship activities; choir or other musical group 59168
practices or programs; meals; festivals; or meetings conducted 59169
by an organized religious group. 59170

(OO) "School-age child" means a child who is enrolled in 59171
or is eligible to be enrolled in a grade of kindergarten or 59172
above but is less than fifteen years old or, in the case of a 59173
child who is receiving special needs child care, is less than 59174
eighteen years old. 59175

(PP) "Serious risk noncompliance" means a licensure or 59176
certification rule violation that leads to a great risk of harm 59177
to, or death of, a child, and is observable, not inferable. 59178

(QQ) "Special needs child care" means child care provided 59179
to a child who is less than eighteen years of age and either has 59180
one or more chronic health conditions or does not meet age 59181
appropriate expectations in one or more areas of development, 59182
including social, emotional, cognitive, communicative, 59183
perceptual, motor, physical, and behavioral development and that 59184
may include on a regular basis such services, adaptations, 59185

modifications, or adjustments needed to assist in the child's 59186
function or development. 59187

(RR) "Title IV-A" means Title IV-A of the "Social Security 59188
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 59189

(SS) "Title XX" means Title XX of the "Social Security 59190
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 59191

(TT) "Toddler" means a child who is at least eighteen 59192
months of age but less than three years of age. 59193

(UU) "Type A family day-care home" and "type A home" mean 59194
the permanent residence of the administrator in which child care 59195
or publicly funded child care is provided for seven to twelve 59196
children at one time or a permanent residence of the 59197
administrator in which child care is provided for four to twelve 59198
children at one time if four or more children at one time are 59199
under two years of age. In counting children for the purposes of 59200
this division, any children under six years of age who are 59201
related to a licensee, administrator, or employee and who are on 59202
the premises of the type A home shall be counted. "Type A family 59203
day-care home" and "type A home" do not include any child day 59204
camp. 59205

(VV) "Type B family day-care home" and "type B home" mean 59206
a permanent residence of the provider in which care is provided 59207
for one to six children at one time and in which no more than 59208
three children are under two years of age at one time. In 59209
counting children for the purposes of this division, any 59210
children under six years of age who are related to the provider 59211
and who are on the premises of the type B home shall be counted. 59212
"Type B family day-care home" and "type B home" do not include 59213
any child day camp. 59214

Sec. 5104.015. The director of job and family services 59215
shall adopt rules in accordance with Chapter 119. of the Revised 59216
Code governing the operation of child day-care centers, 59217
including parent cooperative centers, part-time centers, and 59218
drop-in centers. The rules shall reflect the various forms of 59219
child care and the needs of children receiving child care or 59220
publicly funded child care and shall include specific rules for 59221
school-age child care centers that are developed in consultation 59222
with the department of education and workforce. The rules shall 59223
include the following: 59224

(A) Submission of a site plan and descriptive plan of 59225
operation to demonstrate how the center proposes to meet the 59226
requirements of this chapter and rules adopted pursuant to this 59227
chapter for the initial license application; 59228

(B) Standards for ensuring that the physical surroundings 59229
of the center are safe and sanitary including the physical 59230
environment, the physical plant, and the equipment of the 59231
center; 59232

(C) Standards for the supervision, care, and discipline of 59233
children receiving child care or publicly funded child care in 59234
the center; 59235

(D) Standards for a program of activities, and for play 59236
equipment, materials, and supplies, to enhance the development 59237
of each child; however, any educational curricula, philosophies, 59238
and methodologies that are developmentally appropriate and that 59239
enhance the social, emotional, intellectual, and physical 59240
development of each child shall be permissible. As used in this 59241
division, "program" does not include instruction in religious or 59242
moral doctrines, beliefs, or values that is conducted at child 59243
day-care centers owned and operated by churches and does include 59244

methods of disciplining children at child day-care centers.	59245
(E) Admissions policies and procedures;	59246
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	59247 59248 59249
(G) First aid and emergency procedures;	59250
(H) Procedures for discipline and supervision of children;	59251
(I) Standards for the provision of nutritious meals and snacks;	59252 59253
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	59254 59255 59256
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	59257 59258
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	59259 59260 59261 59262
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	59263 59264 59265
(N) Procedures for record keeping, organization, and administration;	59266 59267
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	59268 59269 59270
(P) Inspection procedures;	59271

(Q) Procedures and standards for setting initial license application fees;	59272 59273
(R) Procedures for receiving, recording, and responding to complaints about centers;	59274 59275
(S) Procedures for enforcing section 5104.04 of the Revised Code;	59276 59277
(T) Minimum qualifications for employment as an administrator or child-care staff member;	59278 59279
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	59280 59281 59282 59283
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	59284 59285 59286 59287
(W) A procedure for reporting of injuries of children that occur at the center;	59288 59289
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	59290 59291 59292
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	59293 59294 59295
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	59296 59297 59298

Sec. 5104.02. (A) The director of job and family services 59299
is responsible for licensing child day-care centers, type A 59300
family day-care homes, and type B family day-care homes. Each 59301
entity operating a head start program shall meet the criteria 59302
for, and be licensed as, a child day-care center. The director 59303
is responsible for the enforcement of this chapter and of rules 59304
promulgated pursuant to this chapter. 59305

No person, firm, organization, institution, or agency 59306
shall operate, establish, manage, conduct, or maintain a child 59307
day-care center or type A family day-care home without a license 59308
issued under section 5104.03 of the Revised Code. The current 59309
license shall be posted in the center or home in a conspicuous 59310
place that is accessible to parents, custodians, or guardians 59311
and employees of the center or home at all times when the center 59312
or home is in operation. 59313

(B) A person, firm, institution, organization, or agency 59314
operating any of the following programs is exempt from the 59315
requirements of this chapter: 59316

(1) A program caring for children that operates for two 59317
consecutive weeks or less and not more than six weeks total in 59318
each calendar year; 59319

(2) Caring for children in places of worship during 59320
religious activities while at least one parent, guardian, or 59321
custodian of each child is participating in such activities and 59322
is readily available; 59323

(3) Supervised training, instruction, or activities of 59324
children in specific areas, including, but not limited to: art; 59325
drama; dance; music; athletic skills or sports; computers; or an 59326
educational subject conducted on an organized or periodic basis 59327

that a child does not attend for more than eight total hours per week; 59328
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(4) Programs in which the director determines that at least one parent, custodian, or guardian of each child who is not an employee of the facility engaged in employment duties is on the premises of the facility that offers care and is readily accessible at all times; 59330
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(5) Programs that provide care and are regulated by state departments other than the department of job and family services or the ~~state board~~ department of education and workforce. 59335
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(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education and workforce under sections 3301.52 to 3301.59 of the Revised Code. 59338
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(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued ~~by the state board of education~~ under section 3301.16 of the Revised Code for kindergarten only: 59342
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(a) The nonpublic school has given the notice to the state board of education and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 59347
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(b) The nonpublic school continues to be chartered by the ~~state board~~ department of education and workforce for kindergarten, or receives and continues to hold a charter from the ~~state board~~ department for kindergarten through grade five; 59351
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(c) The program is conducted in a school building; 59355

(d) The program is operated in accordance with rules 59356
promulgated by the ~~state board~~ department of education and 59357
workforce under section 3301.53 of the Revised Code. 59358

(8) A youth development program operated outside of school 59359
hours to which all of the following apply: 59360

(a) The children enrolled in the program are under 59361
nineteen years of age and enrolled in or eligible to be enrolled 59362
in a grade of kindergarten or above. 59363

(b) The program provides informal care, which is care that 59364
does not require parental signature, permission, or notice for 59365
the child receiving the care to enter or leave the program. 59366

(c) The program provides any of the following supervised 59367
activities: educational, recreational, culturally enriching, 59368
social, and personal development activities. 59369

(d) The entity operating the program is exempt from 59370
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 59371

(9) A preschool program operated by a nonchartered, 59372
nontax-supported school if the preschool program meets all of 59373
the following conditions: 59374

(a) The program complies with state and local health, 59375
fire, and safety laws. 59376

(b) The program annually certifies in a report to the 59377
parents of its pupils that the school is in compliance with 59378
division (B)(9)(a) of this section and files a copy of the 59379
report with the department of job and family services on or 59380
before the thirtieth day of September of each year. 59381

(c) The program complies with all applicable reporting 59382
requirements in the same manner as required by the ~~state board~~ 59383

department of education and workforce for nonchartered, 59384
nonpublic primary and secondary schools. 59385

(d) The program is associated with a nonchartered, nontax- 59386
supported primary or secondary school. 59387

(10) A program that provides activities for children who 59388
are five years of age or older and is operated by a county, 59389
township, municipal corporation, township park district created 59390
under section 511.18 of the Revised Code, park district created 59391
under section 1545.04 of the Revised Code, or joint recreation 59392
district established under section 755.14 of the Revised Code. 59393

Sec. 5104.053. As a precondition of approval by the ~~state-~~ 59394
~~board-~~department of education and workforce pursuant to section 59395
3313.813 of the Revised Code for receipt of United States 59396
department of agriculture child and adult care food program 59397
funds established under the "National School Lunch Act," 60 59398
Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of 59399
child care in a type B family day-care home that is not licensed 59400
by the director of job and family services shall request an 59401
inspection of the type B home by the fire marshal, who shall 59402
inspect the type B home pursuant to section 3737.22 of the 59403
Revised Code to determine that it is in compliance with rules 59404
established pursuant to section 5104.052 of the Revised Code for 59405
licensed type B homes. 59406

Sec. 5104.08. (A) There is hereby created in the 59407
department of job and family services a child care advisory 59408
council to advise and assist the department in the 59409
administration of this chapter and in the development of child 59410
care. The council shall consist of twenty-two voting members 59411
appointed by the director of job and family services with the 59412
approval of the governor. The director of job and family 59413

services, the director of developmental disabilities, the 59414
director of mental health and addiction services, the 59415
~~superintendent of public instruction~~director of education and 59416
workforce, the director of health, the director of commerce, and 59417
the state fire marshal shall serve as nonvoting members of the 59418
council. 59419

Six members shall be representatives of child care centers 59420
subject to licensing, the members to represent a variety of 59421
centers, including nonprofit and proprietary, from different 59422
geographical areas of the state. At least three members shall be 59423
parents, guardians, or custodians of children receiving child 59424
care or publicly funded child care in the child's own home, a 59425
center, a type A home, a head start program, a licensed type B 59426
home, or a type B home at the time of appointment. Three members 59427
shall be representatives of in-home aides, type A homes, 59428
licensed type B homes, or type B homes or head start programs. 59429
At least six members shall represent county departments of job 59430
and family services. The remaining members shall be 59431
representatives of the teaching, child development, and health 59432
professions, and other individuals interested in the welfare of 59433
children. At least six members of the council shall not be 59434
employees or licensees of a child day-care center, head start 59435
program, or type A home, or providers operating a licensed type 59436
B home or type B home, or in-home aides. 59437

Appointments shall be for three-year terms. Vacancies 59438
shall be filled for the unexpired terms. A member of the council 59439
is subject to removal by the director of job and family services 59440
for a willful and flagrant exercise of authority or power that 59441
is not authorized by law, for a refusal or willful neglect to 59442
perform any official duty as a member of the council imposed by 59443
law, or for being guilty of misfeasance, malfeasance, 59444

nonfeasance, or gross neglect of duty as a member of the 59445
council. 59446

There shall be two co-chairpersons of the council. One co- 59447
chairperson shall be the director of job and family services or 59448
the director's designee, and one co-chairperson shall be elected 59449
by the members of the council. The council shall meet as often 59450
as is necessary to perform its duties, provided that it shall 59451
meet at least once in each quarter of each calendar year and at 59452
the call of the co-chairpersons. The co-chairpersons or their 59453
designee shall send to each member a written notice of the date, 59454
time, and place of each meeting. 59455

Members of the council shall serve without compensation, 59456
but shall be reimbursed for necessary expenses. 59457

(B) The child care advisory council shall advise the 59458
director on matters affecting the licensing of centers, type A 59459
homes, and type B homes and the certification of in-home aides. 59460
The council shall make an annual report to the director of job 59461
and family services that addresses the availability, 59462
affordability, accessibility, and quality of child care and that 59463
summarizes the recommendations and plans of action that the 59464
council has proposed to the director during the preceding fiscal 59465
year. The director of job and family services shall provide 59466
copies of the report to the governor, speaker and minority 59467
leader of the house of representatives, and the president and 59468
minority leader of the senate and, on request, shall make copies 59469
available to the public. 59470

(C) The director of job and family services shall adopt 59471
rules in accordance with Chapter 119. of the Revised Code to 59472
implement this section. 59473

Sec. 5104.29. (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education and workforce, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development

programs;	59502
(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;	59503 59504 59505
(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;	59506 59507
(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.	59508 59509 59510
(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.	59511 59512 59513 59514 59515
(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:	59516 59517 59518 59519
(1) Learning and development;	59520
(2) Administration and leadership practices;	59521
(3) Staff quality and professional development;	59522
(4) Family and community partnerships.	59523
(F) The director of job and family services, in collaboration with the superintendent of public instruction <u>director of education and workforce</u> , shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this	59524 59525 59526 59527 59528

section.— 59529

Sec. 5104.30. (A) The department of job and family 59530
services is hereby designated as the state agency responsible 59531
for administration and coordination of federal and state funding 59532
for publicly funded child care in this state. Publicly funded 59533
child care shall be provided to the following: 59534

(1) Recipients of transitional child care as provided 59535
under section 5104.34 of the Revised Code; 59536

(2) Participants in the Ohio works first program 59537
established under Chapter 5107. of the Revised Code; 59538

(3) Individuals who would be participating in the Ohio 59539
works first program if not for a sanction under section 5107.16 59540
of the Revised Code and who continue to participate in a work 59541
activity, developmental activity, or alternative work activity 59542
pursuant to an assignment under section 5107.42 of the Revised 59543
Code; 59544

(4) A family receiving publicly funded child care on 59545
October 1, 1997, until the family's income reaches one hundred 59546
fifty per cent of the federal poverty line; 59547

(5) Subject to available funds, other individuals 59548
determined eligible in accordance with rules adopted under 59549
section 5104.38 of the Revised Code. 59550

The department shall apply to the United States department 59551
of health and human services for authority to operate a 59552
coordinated program for publicly funded child care, if the 59553
director of job and family services determines that the 59554
application is necessary. For purposes of this section, the 59555
department of job and family services may enter into agreements 59556
with other state agencies that are involved in regulation or 59557

funding of child care. The department shall consider the special 59558
needs of migrant workers when it administers and coordinates 59559
publicly funded child care and shall develop appropriate 59560
procedures for accommodating the needs of migrant workers for 59561
publicly funded child care. 59562

(B) The department of job and family services shall 59563
distribute state and federal funds for publicly funded child 59564
care, including appropriations of state funds for publicly 59565
funded child care and appropriations of federal funds available 59566
under the child care block grant act, Title IV-A, and Title XX. 59567
The department may use any state funds appropriated for publicly 59568
funded child care as the state share required to match any 59569
federal funds appropriated for publicly funded child care. 59570

(C) In the use of federal funds available under the child 59571
care block grant act, all of the following apply: 59572

(1) The department may use the federal funds to hire staff 59573
to prepare any rules required under this chapter and to 59574
administer and coordinate federal and state funding for publicly 59575
funded child care. 59576

(2) Not more than five per cent of the aggregate amount of 59577
the federal funds received for a fiscal year may be expended for 59578
administrative costs. 59579

(3) The department shall allocate and use at least four 59580
per cent of the federal funds for the following: 59581

(a) Activities designed to provide comprehensive consumer 59582
education to parents and the public; 59583

(b) Activities that increase parental choice; 59584

(c) Activities, including child care resource and referral 59585

services, designed to improve the quality, and increase the 59586
supply, of child care; 59587

(d) Establishing the step up to quality program pursuant 59588
to section 5104.29 of the Revised Code. 59589

(4) The department shall ensure that the federal funds 59590
will be used only to supplement, and will not be used to 59591
supplant, federal, state, and local funds available on the 59592
effective date of the child care block grant act for publicly 59593
funded child care and related programs. If authorized by rules 59594
adopted by the department pursuant to section 5104.42 of the 59595
Revised Code, county departments of job and family services may 59596
purchase child care from funds obtained through any other means. 59597

(D) The department shall encourage the development of 59598
suitable child care throughout the state, especially in areas 59599
with high concentrations of recipients of public assistance and 59600
families with low incomes. The department shall encourage the 59601
development of suitable child care designed to accommodate the 59602
special needs of migrant workers. On request, the department, 59603
through its employees or contracts with state or community child 59604
care resource and referral service organizations, shall provide 59605
consultation to groups and individuals interested in developing 59606
child care. The department of job and family services may enter 59607
into interagency agreements with the department of education and 59608
workforce, the chancellor of higher education, the department of 59609
development, and other state agencies and entities whenever the 59610
cooperative efforts of the other state agencies and entities are 59611
necessary for the department of job and family services to 59612
fulfill its duties and responsibilities under this chapter. 59613

The department shall develop and maintain a registry of 59614
persons providing child care. The director shall adopt rules in 59615

accordance with Chapter 119. of the Revised Code establishing 59616
procedures and requirements for the registry's administration. 59617

(E) (1) The director shall adopt rules in accordance with 59618
Chapter 119. of the Revised Code establishing both of the 59619
following: 59620

(a) Reimbursement rates for providers of publicly funded 59621
child care not later than the first day of July in each odd- 59622
numbered year; 59623

(b) A procedure for reimbursing and paying providers of 59624
publicly funded child care. 59625

(2) In establishing reimbursement rates under division (E) 59626
(1) (a) of this section, the director shall do all of the 59627
following: 59628

(a) Use the information obtained in accordance with 45 59629
C.F.R. 98.45; 59630

(b) Establish an enhanced reimbursement rate for providers 59631
who provide child care for caretaker parents who work 59632
nontraditional hours; 59633

(c) With regard to the step up to quality program 59634
established pursuant to section 5104.29 of the Revised Code, 59635
establish enhanced reimbursement rates for child day-care 59636
providers that participate in the program. 59637

(3) In establishing reimbursement rates under division (E) 59638
(1) (a) of this section, the director may establish different 59639
reimbursement rates based on any of the following: 59640

(a) Geographic location of the provider; 59641

(b) Type of care provided; 59642

(c) Age of the child served;	59643
(d) Special needs of the child served;	59644
(e) Whether the expanded hours of service are provided;	59645
(f) Whether weekend service is provided;	59646
(g) Whether the provider has exceeded the minimum	59647
requirements of state statutes and rules governing child care;	59648
(h) Any other factors the director considers appropriate.	59649
Sec. 5107.281. A participant of Ohio works first who is	59650
enrolled in a school district in a county that is participating	59651
in the learnfare program and is not younger than age six but not	59652
older than age nineteen shall participate in the learnfare	59653
program unless one of the following is the case:	59654
(A) The participant is not yet eligible for enrollment in	59655
first grade;	59656
(B) The participant is subject to the LEAP program;	59657
(C) The participant has received one of the following:	59658
(1) A high school diploma;	59659
(2) A certificate stating that the participant has	59660
achieved the equivalent of a high school education as measured	59661
by scores obtained on a high school equivalency test approved by	59662
the department of education <u>and workforce</u> pursuant to division	59663
(B) of section 3301.80 of the Revised Code.	59664
(D) The participant has been excused from school	59665
attendance pursuant to section 3321.04 <u>or 3321.042</u> of the	59666
Revised Code;	59667
(E) If child care services for a member of the	59668

participant's household are necessary for the participant to attend school, child care licensed or certified under Chapter 5104. of the Revised Code or under sections 3301.52 to 3301.59 of the Revised Code and transportation to and from the child care are not available;

(F) The participant has been adjudicated a delinquent or unruly child pursuant to section 2151.28 of the Revised Code.

Sec. 5107.287. The county department of job and family services shall establish policies defining "good cause for being absent from school" and specifying what constitutes a day of attendance for purposes of the learnfare program's school attendance requirement.

Not later than the fifteenth day of each month of a school year or another time agreed to by the county department of job and family services and ~~state board~~ department of education and workforce but not later than the thirtieth day of each month, each attendance officer or assistant appointed under section 3321.14 or 3321.15 of the Revised Code who oversees the attendance of students enrolled in the school districts of a county that is participating in the learnfare program shall report to the county department of job and family services the previous month's school attendance record of each participating student. The report shall specify which if any of the participating student's absences are excused because the absence meets the definition of "good cause for being absent from school." No absence for which there is good cause shall be considered in determining whether a participating student has complied with the learnfare program's school attendance requirement.

Sec. 5107.40. As used in sections 5107.40 to 5107.69 of

the Revised Code: 59699

(A) "Alternative work activity" means an activity designed 59700
to promote self sufficiency and personal responsibility 59701
established by a county department of job and family services 59702
under section 5107.64 of the Revised Code. 59703

(B) "Developmental activity" means an activity designed to 59704
promote self sufficiency and personal responsibility established 59705
by a county department of job and family services under section 59706
5107.62 of the Revised Code. 59707

(C) "Certificate of high school equivalence" means a 59708
certificate attesting to achievement of the equivalent of a high 59709
school education as measured by scores obtained on a high school 59710
equivalency test approved by the department of education and 59711
workforce pursuant to division (B) of section 3301.80 of the 59712
Revised Code. "Certificate of high school equivalence" includes 59713
a certificate of high school equivalence issued prior to January 59714
1, 1994, attesting to the achievement of the equivalent of a 59715
high school education as measured by scores obtained on tests of 59716
general educational development. 59717

(D) "Work activity" means the following: 59718

(1) Unsubsidized employment activities established under 59719
section 5107.60 of the Revised Code; 59720

(2) The subsidized employment program established under 59721
section 5107.52 of the Revised Code; 59722

(3) The work experience program established under section 59723
5107.54 of the Revised Code; 59724

(4) On-the-job training activities established under 59725
section 5107.60 of the Revised Code; 59726

(5) The job search and readiness program established under section 5107.50 of the Revised Code;	59727 59728
(6) Community service activities established under section 5107.60 of the Revised Code;	59729 59730
(7) Vocational educational training activities established under section 5107.60 of the Revised Code;	59731 59732
(8) Jobs skills training activities established under section 5107.60 of the Revised Code that are directly related to employment;	59733 59734 59735
(9) Education activities established under section 5107.60 of the Revised Code that are directly related to employment for participants of Ohio works first who have not earned a high school diploma or certificate of high school equivalence;	59736 59737 59738 59739
(10) Education activities established under section 5107.60 of the Revised Code for participants of Ohio works first who have not completed secondary school or received a certificate of high school equivalence under which the participants attend a secondary school or a course of study leading to a certificate of high school equivalence;	59740 59741 59742 59743 59744 59745
(11) Child-care service activities, including training, established under section 5107.60 of the Revised Code to aid another participant of Ohio works first assigned to a community service activity or other work activity;	59746 59747 59748 59749
(12) The education program established under section 5107.58 of the Revised Code that are operated pursuant to a federal waiver granted by the United States secretary of health and human services pursuant to a request made under former section 5101.09 of the Revised Code;	59750 59751 59752 59753 59754

(13) To the extent provided by division (C) of section 5107.30 of the Revised Code, the LEAP program established under that section. 59755
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Sec. 5107.62. County departments of job and family services shall establish and administer developmental activities for minor heads of households and adults participating in Ohio works first. In establishing developmental activities, county departments are not limited by the restrictions that Title IV-A imposes on work activities. Developmental activities may be identical or similar to, or different from, work activities and alternative work activities. 59758
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In accordance with a federal waiver granted by the United States secretary of health and human services pursuant to a request made under former section 5101.09 of the Revised Code, a county department may establish and administer a developmental activity under which a minor head of household or adult attends a school, special education program, or adult high school continuation program that conforms to the minimum standards prescribed by the ~~state board~~ director of education and workforce or instructional courses designed to prepare the minor head of household or adult to earn a certificate of high school equivalence. Pursuant to the waiver, a minor head of household or adult assigned to this developmental activity is required to earn a high school diploma, adult education diploma, or certificate of high school equivalence not later than two years after the date the minor head of household or adult is placed in the activity. 59766
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Sec. 5120.031. (A) As used in this section: 59782

(1) "Certificate of high school equivalence" means either: 59783

(a) A statement that is issued by the department of education and workforce that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department of education and workforce pursuant to division (B) of section 3301.80 of the Revised Code;

(b) A statement that is issued by a primary-secondary education or higher education agency of another state that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test.

(2) "Certificate of adult basic education" means a statement that is issued by the department of rehabilitation and correction through the Ohio central school system approved by the ~~state board~~ department of education and workforce and that indicates that its holder has achieved a 6.0 grade level, or higher, as measured by scores of nationally standardized or recognized tests.

(3) "Deadly weapon" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.

(4) "Eligible offender" means a person, other than one who is ineligible to participate in an intensive program prison under the criteria specified in section 5120.032 of the Revised Code, who has been convicted of or pleaded guilty to, and has been sentenced for, a felony.

(5) "Shock incarceration" means the program of incarceration that is established pursuant to the rules of the department of rehabilitation and correction adopted under this section.

(B) (1) The director of rehabilitation and correction, by 59813
rules adopted under Chapter 119. of the Revised Code, shall 59814
establish a pilot program of shock incarceration that may be 59815
used for offenders who are sentenced to serve a term of 59816
imprisonment under the custody of the department of 59817
rehabilitation and correction, whom the department determines to 59818
be eligible offenders, and whom the department, subject to the 59819
approval of the sentencing judge, may permit to serve their 59820
sentence as a sentence of shock incarceration in accordance with 59821
this section. 59822

(2) The rules for the pilot program shall require that the 59823
program be established at an appropriate state correctional 59824
institution designated by the director and that the program 59825
consist of both of the following for each eligible offender whom 59826
the department, with the approval of the sentencing judge, 59827
permits to serve the eligible offender's sentence as a sentence 59828
of shock incarceration: 59829

(a) A period of imprisonment at that institution of ninety 59830
days that shall consist of a military style combination of 59831
discipline, physical training, and hard labor and substance 59832
abuse education, employment skills training, social skills 59833
training, and psychological treatment. During the ninety-day 59834
period, the department may permit an eligible offender to 59835
participate in a self-help program. Additionally, during the 59836
ninety-day period, an eligible offender who holds a high school 59837
diploma or a certificate of high school equivalence may be 59838
permitted to tutor other eligible offenders in the shock 59839
incarceration program. If an eligible offender does not hold a 59840
high school diploma or certificate of high school equivalence, 59841
the eligible offender may elect to participate in an education 59842
program that is designed to award a certificate of adult basic 59843

education or an education program that is designed to award a certificate of high school equivalence to those eligible offenders who successfully complete the education program, whether the completion occurs during or subsequent to the ninety-day period. To the extent possible, the department shall use as teachers in the education program persons who have been issued a license pursuant to sections 3319.22 to 3319.31 of the Revised Code, who have volunteered their services to the education program, and who satisfy any other criteria specified in the rules for the pilot project.

(b) Immediately following the ninety-day period of imprisonment, and notwithstanding any other provision governing the early release of a prisoner from imprisonment or the transfer of a prisoner to transitional control, one of the following, as determined by the director:

(i) An intermediate, transitional type of detention for the period of time determined by the director and, immediately following the intermediate, transitional type of detention, a release under a post-release control sanction imposed in accordance with section 2967.28 of the Revised Code. The period of intermediate, transitional type of detention imposed by the director under this division may be in a halfway house, in a community-based correctional facility and program or district community-based correctional facility and program established under sections 2301.51 to 2301.58 of the Revised Code, or in any other facility approved by the director that provides for detention to serve as a transition between imprisonment in a state correctional institution and release from imprisonment.

(ii) A release under a post-release control sanction imposed in accordance with section 2967.28 of the Revised Code.

- (3) The rules for the pilot program also shall include, 59874
but are not limited to, all of the following: 59875
- (a) Rules identifying the locations within the state 59876
correctional institution designated by the director that will be 59877
used for eligible offenders serving a sentence of shock 59878
incarceration; 59879
- (b) Rules establishing specific schedules of discipline, 59880
physical training, and hard labor for eligible offenders serving 59881
a sentence of shock incarceration, based upon the offender's 59882
physical condition and needs; 59883
- (c) Rules establishing standards and criteria for the 59884
department to use in determining which eligible offenders the 59885
department will permit to serve their sentence of imprisonment 59886
as a sentence of shock incarceration; 59887
- (d) Rules establishing guidelines for the selection of 59888
post-release control sanctions for eligible offenders; 59889
- (e) Rules establishing procedures for notifying sentencing 59890
courts of the performance of eligible offenders serving their 59891
sentences of imprisonment as a sentence of shock incarceration; 59892
- (f) Any other rules that are necessary for the proper 59893
conduct of the pilot program. 59894
- (C) (1) If an offender is sentenced to a term of 59895
imprisonment under the custody of the department, if the 59896
sentencing court either recommends the offender for placement in 59897
a program of shock incarceration under this section or makes no 59898
recommendation on placement of the offender, and if the 59899
department determines that the offender is an eligible offender 59900
for placement in a program of shock incarceration under this 59901
section, the department may permit the eligible offender to 59902

serve the sentence in a program of shock incarceration, in 59903
accordance with division (I) of section 2929.14 of the Revised 59904
Code, with this section, and with the rules adopted under this 59905
section. If the sentencing court disapproves placement of the 59906
offender in a program of shock incarceration, the department 59907
shall not place the offender in any program of shock 59908
incarceration. 59909

If the sentencing court recommends the offender for 59910
placement in a program of shock incarceration and if the 59911
department subsequently places the offender in the recommended 59912
program, the department shall notify the court of the offender's 59913
placement in the recommended program and shall include with the 59914
notice a brief description of the placement. 59915

If the sentencing court recommends placement of the 59916
offender in a program of shock incarceration and the department 59917
for any reason does not subsequently place the offender in the 59918
recommended program, the department shall send a notice to the 59919
court indicating why the offender was not placed in the 59920
recommended program. 59921

If the sentencing court does not make a recommendation on 59922
the placement of an offender in a program of shock incarceration 59923
and if the department determines that the offender is an 59924
eligible offender for placement in a program of that nature, the 59925
department shall screen the offender and determine if the 59926
offender is suited for the program of shock incarceration. If 59927
the offender is suited for the program of shock incarceration, 59928
at least three weeks prior to permitting an eligible offender to 59929
serve the sentence in a program of shock incarceration, the 59930
department shall notify the sentencing court of the proposed 59931
placement of the offender in the program and shall include with 59932

the notice a brief description of the placement. The court shall 59933
have ten days from receipt of the notice to disapprove the 59934
placement. If the sentencing court disapproves of the placement, 59935
the department shall not permit the eligible offender to serve 59936
the sentence in a program of shock incarceration. If the judge 59937
does not timely disapprove of placement of the offender in the 59938
program of shock incarceration, the department may proceed with 59939
plans for placement of the offender. 59940

If the department determines that the offender is not 59941
eligible for placement in a program of shock incarceration, the 59942
department shall not place the offender in any program of shock 59943
incarceration. 59944

(2) If the department permits an eligible offender to 59945
serve the eligible offender's sentence of imprisonment as a 59946
sentence of shock incarceration and the eligible offender does 59947
not satisfactorily complete the entire period of imprisonment 59948
described in division (B) (2) (a) of this section, the offender 59949
shall be removed from the pilot program for shock incarceration 59950
and shall be required to serve the remainder of the offender's 59951
sentence of imprisonment imposed by the sentencing court as a 59952
regular term of imprisonment. If the eligible offender commences 59953
a period of post-release control described in division (B) (2) (b) 59954
of this section and violates the conditions of that post-release 59955
control, the eligible offender shall be subject to the 59956
provisions of sections 2929.141, 2967.15, and 2967.28 of the 59957
Revised Code regarding violation of post-release control 59958
sanctions. 59959

(3) If an eligible offender's stated prison term expires 59960
at any time during the eligible offender's participation in the 59961
shock incarceration program, the adult parole authority shall 59962

terminate the eligible offender's participation in the program 59963
and shall issue to the eligible offender a certificate of 59964
expiration of the stated prison term. 59965

(D) The director shall keep sentencing courts informed of 59966
the performance of eligible offenders serving their sentences of 59967
imprisonment as a sentence of shock incarceration, including, 59968
but not limited to, notice of eligible offenders who fail to 59969
satisfactorily complete their entire sentence of shock 59970
incarceration or who satisfactorily complete their entire 59971
sentence of shock incarceration. 59972

(E) Within a reasonable period of time after November 20, 59973
1990, the director shall appoint a committee to search for one 59974
or more suitable sites at which one or more programs of shock 59975
incarceration, in addition to the pilot program required by 59976
division (B)(1) of this section, may be established. The search 59977
committee shall consist of the director or the director's 59978
designee, as chairperson; employees of the department of 59979
rehabilitation and correction appointed by the director; and any 59980
other persons that the director, in the director's discretion, 59981
appoints. In searching for such sites, the search committee 59982
shall give preference to any site owned by the state or any 59983
other governmental entity and to any existing structure that 59984
reasonably could be renovated, enlarged, converted, or remodeled 59985
for purposes of establishing such a program. The search 59986
committee shall prepare a report concerning its activities and, 59987
on the earlier of the day that is twelve months after the first 59988
day on which an eligible offender began serving a sentence of 59989
shock incarceration under the pilot program or January 1, 1992, 59990
shall file the report with the president and the minority leader 59991
of the senate, the speaker and the minority leader of the house 59992
of representatives, the members of the senate who were members 59993

of the senate judiciary committee in the 118th general assembly 59994
or their successors, and the members of the house of 59995
representatives who were members of the select committee to hear 59996
drug legislation that was established in the 118th general 59997
assembly or their successors. Upon the filing of the report, the 59998
search committee shall terminate. The report required by this 59999
division shall contain all of the following: 60000

(1) A summary of the process used by the search committee 60001
in performing its duties under this division; 60002

(2) A summary of all of the sites reviewed by the search 60003
committee in performing its duties under this division, and the 60004
benefits and disadvantages it found relative to the 60005
establishment of a program of shock incarceration at each such 60006
site; 60007

(3) The findings and recommendations of the search 60008
committee as to the suitable site or sites, if any, at which a 60009
program of shock incarceration, in addition to the pilot program 60010
required by division (B)(1) of this section, may be established. 60011

(F) The director periodically shall review the pilot 60012
program for shock incarceration required to be established by 60013
division (B)(1) of this section. The director shall prepare a 60014
report relative to the pilot program and, on the earlier of the 60015
day that is twelve months after the first day on which an 60016
eligible offender began serving a sentence of shock 60017
incarceration under the pilot program or January 1, 1992, shall 60018
file the report with the president and the minority leader of 60019
the senate, the speaker and the minority leader of the house of 60020
representatives, the members of the senate who were members of 60021
the senate judiciary committee in the 118th general assembly or 60022
their successors, and the members of the house of 60023

representatives who were members of the select committee to hear 60024
drug legislation that was established in the 118th general 60025
assembly or their successors. The pilot program shall not 60026
terminate at the time of the filing of the report, but shall 60027
continue in operation in accordance with this section. The 60028
report required by this division shall include all of the 60029
following: 60030

(1) A summary of the pilot program as initially 60031
established, a summary of all changes in the pilot program made 60032
during the period covered by the report and the reasons for the 60033
changes, and a summary of the pilot program as it exists on the 60034
date of preparation of the report; 60035

(2) A summary of the effectiveness of the pilot program, 60036
in the opinion of the director and employees of the department 60037
involved in its operation; 60038

(3) An analysis of the total cost of the pilot program, of 60039
its cost per inmate who was permitted to serve a sentence of 60040
shock incarceration and who served the entire sentence of shock 60041
incarceration, and of its cost per inmate who was permitted to 60042
serve a sentence of shock incarceration; 60043

(4) A summary of the standards and criteria used by the 60044
department in determining which eligible offenders were 60045
permitted to serve their sentence of imprisonment as a sentence 60046
of shock incarceration; 60047

(5) A summary of the characteristics of the eligible 60048
offenders who were permitted to serve their sentence of 60049
imprisonment as a sentence of shock incarceration, which summary 60050
shall include, but not be limited to, a listing of every offense 60051
of which any such eligible offender was convicted or to which 60052

any such eligible offender pleaded guilty and in relation to 60053
which the eligible offender served a sentence of shock 60054
incarceration, and the total number of such eligible offenders 60055
who were convicted of or pleaded guilty to each such offense; 60056

(6) A listing of the number of eligible offenders who were 60057
permitted to serve a sentence of shock incarceration and who did 60058
not serve the entire sentence of shock incarceration, and, to 60059
the extent possible, a summary of the length of the terms of 60060
imprisonment served by such eligible offenders after they were 60061
removed from the pilot program; 60062

(7) A summary of the effect of the pilot program on 60063
overcrowding at state correctional institutions; 60064

(8) To the extent possible, an analysis of the rate of 60065
recidivism of eligible offenders who were permitted to serve a 60066
sentence of shock incarceration and who served the entire 60067
sentence of shock incarceration; 60068

(9) Recommendations as to legislative changes to the pilot 60069
program that would assist in its operation or that could further 60070
alleviate overcrowding at state correctional institutions, and 60071
recommendations as to whether the pilot program should be 60072
expanded. 60073

Sec. 5120.07. (A) There is hereby created the ex-offender 60074
reentry coalition consisting of the following twenty-one members 60075
or their designees: 60076

(1) The director of rehabilitation and correction; 60077

(2) The director of aging; 60078

(3) The director of mental health and addiction services; 60079

(4) The director of development services; 60080

- (5) The ~~superintendent of public instruction~~director of education and workforce; 60081
60082
- (6) The director of health; 60083
- (7) The director of job and family services; 60084
- (8) The director of developmental disabilities; 60085
- (9) The director of public safety; 60086
- (10) The director of youth services; 60087
- (11) The chancellor of higher education~~the Ohio board of regents~~; 60088
60089
- (12) A representative or member of the governor's staff; 60090
- (13) The executive director of the opportunities for Ohioans with disabilities agency; 60091
60092
- (14) The director of the department of commerce; 60093
- (15) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition; 60094
60095
60096
- (16) The director of veterans services; 60097
- (17) An ex-offender appointed by the director of rehabilitation and correction; 60098
60099
- (18) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be the chairperson of the standing committee in the house of representatives that primarily addresses criminal justice matters and the other of whom shall be a member of the minority party in the house of representatives; 60100
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- (19) Two members of the senate appointed by the president 60106

of the senate, one of whom shall be the chairperson of the 60107
standing committee in the senate that primarily addresses 60108
criminal justice matters and the other of whom shall be a member 60109
of the minority party in the senate. 60110

(B) The members of the coalition shall serve without 60111
compensation. The director of rehabilitation and correction or 60112
the director's designee shall be the chairperson of the 60113
coalition. 60114

(C) In consultation with persons interested and involved 60115
in the reentry of ex-offenders into the community, the members 60116
of the coalition shall meet periodically for the purpose of 60117
formulating, discussing, and developing policies and practices 60118
that facilitate the expansion and improvement of reentry 60119
services provided by state and local agencies in the 60120
collaborative efforts of those agencies to reintegrate offenders 60121
into society while simultaneously maintaining public safety and 60122
reducing recidivism in this state. Not later than one year after 60123
April 7, 2009, and on or before the same date of each year 60124
thereafter, the coalition shall submit to the speaker of the 60125
house of representatives and the president of the senate a 60126
report, including recommendations for legislative action, the 60127
activities of the coalition, and the barriers affecting the 60128
successful reentry of ex-offenders into the community. The 60129
report shall analyze the effects of those barriers on ex- 60130
offenders and on their children and other family members in 60131
various areas, including but not limited to, the following: 60132

- (1) Admission to public and other housing; 60133
- (2) Child support obligations and procedures; 60134
- (3) Parental incarceration and family reunification; 60135

(4) Social security benefits, veterans' benefits, food stamps, and other forms of public assistance;	60136 60137
(5) Employment;	60138
(6) Education programs and financial assistance;	60139
(7) Substance abuse and sex offender treatment programs and financial assistance and mental health services and financial assistance;	60140 60141 60142
(8) Civic and political participation;	60143
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	60144 60145 60146
(D) (1) The report shall also include the following information:	60147 60148
(a) Identification of state appropriations for reentry programs;	60149 60150
(b) Identification of other funding sources for reentry programs that are not funded by the state.	60151 60152
(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:	60153 60154 60155 60156
(a) The amount of funding received;	60157
(b) The number of program participants;	60158
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	60159 60160
(d) The type of post-program tracking that is utilized;	60161

(e) Information about employment rates and recidivism 60162
rates of ex-offenders. 60163

Sec. 5120.091. There is hereby created in the state 60164
treasury the education services fund. The department of 60165
rehabilitation and correction shall deposit into the fund all 60166
state revenues it receives from the Ohio department of education 60167
and workforce. Any money in the fund shall solely be used to pay 60168
educational expenses incurred by the department. 60169

Sec. 5123.022. (A) As used in this section: 60170

(1) "Community employment" means competitive employment 60171
that takes place in an integrated setting. 60172

(2) "Competitive employment" means full-time or part-time 60173
work in the competitive labor market in which payment is at or 60174
above the minimum wage but not less than the customary wage and 60175
level of benefits paid by the employer for the same or similar 60176
work performed by persons who are not disabled. 60177

(3) "Integrated setting" means a setting typically found 60178
in the community where individuals with developmental 60179
disabilities interact with individuals who do not have 60180
disabilities to the same extent that individuals in comparable 60181
positions who are not disabled interact with other individuals, 60182
including in employment settings in which employees interact 60183
with the community through technology. 60184

(B) It is hereby declared to be the policy of this state 60185
that employment services for individuals with developmental 60186
disabilities be directed at community employment. Every 60187
individual with a developmental disability is presumed capable 60188
of community employment. 60189

The departments of developmental disabilities, education_ 60190

and workforce, medicaid, job and family services, and mental 60191
health and addiction services; the opportunities for Ohioans 60192
with disabilities agency; and each other state agency that 60193
provides employment services to individuals with developmental 60194
disabilities shall implement the policy of this state and ensure 60195
that it is followed whenever employment services are provided to 60196
individuals with developmental disabilities. 60197

The department of developmental disabilities shall 60198
coordinate the actions taken by state agencies to comply with 60199
the state's policy. Agencies shall collaborate within their 60200
divisions and with each other to ensure that state programs, 60201
policies, procedures, and funding support competitive and 60202
integrated employment of individuals with developmental 60203
disabilities. State agencies shall share information with the 60204
department, and the department shall track progress toward full 60205
implementation of the policy. The department, in coordination 60206
with any task force established by the governor, shall compile 60207
data and annually submit to the governor a report on 60208
implementation of the policy. 60209

The department and state agencies may adopt rules to 60210
implement the state's policy. 60211

(C) The state's policy articulated in this section is 60212
intended to promote the right of each individual with a 60213
developmental disability to informed choice; however, nothing in 60214
this section requires any employer to give preference in hiring 60215
to an individual because the individual has a disability. 60216

Sec. 5123.023. (A) The director of developmental 60217
disabilities shall establish an employment first task force 60218
consisting of the departments of developmental disabilities, 60219
education and workforce, medicaid, job and family services, and 60220

mental health and addiction services; and the opportunities for 60221
Ohioans with disabilities agency. The purpose of the task force 60222
shall be to improve the coordination of the state's efforts to 60223
address the needs of individuals with developmental disabilities 60224
who seek community employment as defined in section 5123.022 of 60225
the Revised Code. 60226

(B) The department of developmental disabilities may enter 60227
into interagency agreements with any of the government entities 60228
on the task force. The interagency agreements may specify either 60229
or both of the following: 60230

(1) The roles and responsibilities of the government 60231
entities that are members of the task force, including any money 60232
to be contributed by those entities; 60233

(2) The projects and activities of the task force. 60234

(C) There is hereby created in the state treasury the 60235
employment first taskforce fund. Any money received by the task 60236
force from its members shall be credited to the fund. The 60237
department of developmental disabilities shall use the fund to 60238
support the work of the task force. 60239

Sec. 5123.025. It is hereby declared to be the policy of 60240
this state that individuals with developmental disabilities 60241
shall have access to innovative technology solutions. Technology 60242
can ensure that people with developmental disabilities have 60243
increased opportunities to live, work, and thrive in their 60244
homes, communities, and places of employment through state of 60245
the art planning, innovative technology, and supports that focus 60246
on their talents, interests, and skills. 60247

The departments of developmental disabilities, education_ 60248
and workforce, medicaid, aging, job and family services, mental 60249

health and addiction services, and transportation; the 60250
opportunities for Ohioans with disabilities agency; and each 60251
other state agency that provides technology services to 60252
individuals with developmental disabilities shall implement the 60253
policy of this state and ensure that it is followed whenever 60254
technology services are provided to individuals with 60255
developmental disabilities. 60256

The department of developmental disabilities, in 60257
partnership with the office of innovateohio, shall coordinate 60258
the actions taken by state agencies to comply with the state's 60259
policy. Agencies shall collaborate within their divisions and 60260
with each other to ensure that state programs, policies, 60261
procedures, and funding support the development of access to 60262
technology for individuals with developmental disabilities. 60263
State agencies shall share information with the department, and 60264
the department shall track progress toward full implementation 60265
of the policy. The department, in coordination with the 60266
technology first task force established under section 5123.026 60267
of Revised Code, shall compile data and annually submit to the 60268
governor and lieutenant governor a report on implementation of 60269
the policy. 60270

The department and state agencies may adopt rules to 60271
implement the state's policy. 60272

Sec. 5123.026. (A) The director of developmental 60273
disabilities shall establish a technology first task force 60274
consisting of representatives from the office of innovateohio; 60275
the departments of developmental disabilities, education and 60276
workforce, medicaid, aging, job and family services, mental 60277
health and addiction services, and transportation; and the 60278
opportunities for Ohioans with disabilities agency. 60279

(B) The task force shall do all of the following: 60280

(1) Expand innovative technology solutions within the 60281
operation and delivery of services to individuals with 60282
developmental disabilities; 60283

(2) Use technology to reduce the barriers individuals with 60284
developmental disabilities experience; 60285

(3) Align policies for all state agencies on the task 60286
force. 60287

(C) The department of developmental disabilities may enter 60288
into interagency agreements with any of the government entities 60289
on the task force. The interagency agreements may specify either 60290
or both of the following: 60291

(1) The roles and responsibilities of the government 60292
entities that are members of the task force, including any money 60293
to be contributed by those entities; 60294

(2) The projects and activities of the task force. 60295

(D) The department and state agencies may adopt rules to 60296
implement the task force. 60297

Sec. 5123.0423. As used in this section, "school district 60298
of residence" has the same meaning as in section 3323.01 of the 60299
Revised Code. 60300

The director of developmental disabilities shall request a 60301
student data verification code from the independent contractor 60302
engaged by the department of education and workforce to create 60303
and maintain such codes for school districts and community 60304
schools under division (D) (2) of section 3301.0714 of the 60305
Revised Code for each child who is receiving services from the 60306
state's part C early intervention services program. The director 60307

shall request from the parent, guardian, or custodian of the child, or from any other person who is authorized by law to make decisions regarding the child's education, the name and address of the child's school district of residence. The director shall submit the data verification code for that child to the child's school district of residence at the time the child ceases to receive services from the part C early intervention services program.

The director and each school district that receives a data verification code under this section shall not release that code to any person except as provided by law. Any document that the director holds in the director's files that contains both a child's name or other personally identifiable information and the child's data verification code is not a public record under section 149.43 of the Revised Code.

Sec. 5126.04. (A) Each county board of developmental disabilities shall plan and set priorities based on available resources for the provision of facilities, programs, and other services to meet the needs of county residents who are individuals with developmental disabilities, former residents of the county residing in state institutions or, before September 29, 2011, placed under purchase of service agreements under section 5123.18 of the Revised Code, and children subject to a determination made pursuant to section 121.38 of the Revised Code.

Each county board shall assess the facility and service needs of the individuals with developmental disabilities who are residents of the county or former residents of the county residing in state institutions or, before September 29, 2011, placed under purchase of service agreements under section

5123.18 of the Revised Code. 60338

Each county board shall require individual habilitation or 60339
service plans for individuals with developmental disabilities 60340
who are being served or who have been determined eligible for 60341
services and are awaiting the provision of services. Each board 60342
shall ensure that methods of having their service needs 60343
evaluated are available. 60344

(B) (1) If a foster child is in need of assessment for 60345
eligible services or is receiving services from a county board 60346
of developmental disabilities and that child is placed in a 60347
different county, the agency that placed the child, immediately 60348
upon placement, shall inform the county board in the new county 60349
all of the following: 60350

(a) That a foster child has been placed in that county; 60351

(b) The name and other identifying information of the 60352
foster child; 60353

(c) The name of the foster child's previous county of 60354
residence; 60355

(d) That the foster child was in need of assessment for 60356
eligible services or was receiving services from the county 60357
board of developmental disabilities in the previous county. 60358

(2) Upon receiving the notice described in division (B) (1) 60359
of this section or otherwise learning that the child was in need 60360
of assessment for eligible services or was receiving services 60361
from a county board of developmental disabilities in the 60362
previous county, the county board in the new county shall 60363
communicate with the county board of the previous county to 60364
determine how services for the foster child shall be provided in 60365
accordance with each board's plan and priorities as described in 60366

division (A) of this section. 60367

If the two county boards are unable to reach an agreement 60368
within ten days of the child's placement, the county board in 60369
the new county shall send notice to the Ohio department of 60370
developmental disabilities of the failure to agree. The 60371
department shall decide how services shall be provided for the 60372
foster child within ten days of receiving notice that the county 60373
boards could not reach an agreement. The department may decide 60374
that one, or both, of the county boards shall provide services. 60375
The services shall be provided in accordance with the board's 60376
plan and priorities as described in division (A) of this 60377
section. 60378

(C) The department of developmental disabilities may adopt 60379
rules in accordance with Chapter 119. of the Revised Code as 60380
necessary to implement this section. To the extent that rules 60381
adopted under this section apply to the identification and 60382
placement of children with disabilities under Chapter 3323. of 60383
the Revised Code, the rules shall be consistent with the 60384
standards and procedures established under sections 3323.03 to 60385
3323.05 of the Revised Code. 60386

(D) The responsibility or authority of a county board to 60387
provide services under this chapter does not affect the 60388
responsibility of any other entity of state or local government 60389
to provide services to individuals with developmental 60390
disabilities. 60391

(E) On or before the first day of February prior to a 60392
school year, a county board of developmental disabilities may 60393
elect not to participate during that school year in the 60394
provision of or contracting for educational services for 60395
children ages six through twenty-one years of age, provided that 60396

on or before that date the board gives notice of this election 60397
to the ~~superintendent of public instruction~~director of education
and workforce, each school district in the county, and the 60398
educational service center serving the county. If a board makes 60399
this election, it shall not have any responsibility for or 60400
authority to provide educational services that school year for 60401
children ages six through twenty-one years of age. If a board 60402
does not make an election for a school year in accordance with 60403
this division, the board shall be deemed to have elected to 60404
participate during that school year in the provision of or 60405
contracting for educational services for children ages six 60406
through twenty-one years of age. 60407
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(F) If a county board of developmental disabilities elects 60409
to provide educational services during a school year to 60410
individuals six through twenty-one years of age who have 60411
multiple disabilities, the board may provide these services to 60412
individuals who are appropriately identified and determined 60413
eligible pursuant to Chapter 3323. of the Revised Code, and in 60414
accordance with applicable rules of the ~~state board~~department
of education and workforce. The county board may also provide 60415
related services to individuals six through twenty-one years of 60416
age who have one or more disabling conditions, in accordance 60417
with section 3317.20 and Chapter 3323. of the Revised Code and 60418
applicable rules of the ~~state board~~department of education and
workforce. 60419
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Sec. 5126.05. (A) Subject to the rules established by the 60422
director of developmental disabilities pursuant to Chapter 119. 60423
of the Revised Code for programs and services offered pursuant 60424
to this chapter, and subject to the rules established by the 60425
~~state board~~department of education and workforce pursuant to 60426
Chapter 119. of the Revised Code for programs and services 60427

offered pursuant to Chapter 3323. of the Revised Code, the 60428
county board of developmental disabilities shall: 60429

(1) Administer and operate facilities, programs, and 60430
services as provided by this chapter and Chapter 3323. of the 60431
Revised Code and establish policies for their administration and 60432
operation; 60433

(2) Coordinate, monitor, and evaluate existing services 60434
and facilities available to individuals with developmental 60435
disabilities; 60436

(3) Provide early childhood services, supportive home 60437
services, and adult services, according to the plan and 60438
priorities developed under section 5126.04 of the Revised Code; 60439

(4) Provide or contract for special education services 60440
pursuant to Chapters 3317. and 3323. of the Revised Code and 60441
ensure that related services, as defined in section 3323.01 of 60442
the Revised Code, are available according to the plan and 60443
priorities developed under section 5126.04 of the Revised Code; 60444

(5) Adopt a budget, authorize expenditures for the 60445
purposes specified in this chapter and do so in accordance with 60446
section 319.16 of the Revised Code, approve attendance of board 60447
members and employees at professional meetings and approve 60448
expenditures for attendance, and exercise such powers and duties 60449
as are prescribed by the director of developmental disabilities; 60450

(6) Submit annual reports of its work and expenditures, 60451
pursuant to sections 3323.09 and 5126.131 of the Revised Code, 60452
to the director of developmental disabilities, the 60453
~~superintendent of public instruction~~director of education and 60454
workforce, and the board of county commissioners at the close of 60455
the fiscal year and at such other times as may reasonably be 60456

requested; 60457

(7) Authorize all positions of employment, establish 60458
compensation, including but not limited to salary schedules and 60459
fringe benefits for all board employees, approve contracts of 60460
employment for management employees that are for a term of more 60461
than one year, employ legal counsel under section 309.10 of the 60462
Revised Code, and contract for employee benefits. A county board 60463
may provide benefits through an individual or joint self- 60464
insurance program as provided under section 9.833 of the Revised 60465
Code. 60466

(8) Provide service and support administration in 60467
accordance with section 5126.15 of the Revised Code; 60468

(9) Certify respite care homes pursuant to rules adopted 60469
under section 5123.171 of the Revised Code by the director of 60470
developmental disabilities; 60471

(10) Implement an employment first policy that clearly 60472
identifies community employment as the desired outcome for every 60473
individual of working age who receives services from the board; 60474

(11) Set benchmarks for improving community employment 60475
outcomes. 60476

(B) To the extent that rules adopted under this section 60477
apply to the identification and placement of children with 60478
disabilities under Chapter 3323. of the Revised Code, they shall 60479
be consistent with the standards and procedures established 60480
under sections 3323.03 to 3323.05 of the Revised Code. 60481

(C) Any county board may enter into contracts with other 60482
such boards and with public or private, nonprofit, or profit- 60483
making agencies or organizations of the same or another county, 60484
to provide the facilities, programs, and services authorized or 60485

required, upon such terms as may be agreeable, and in accordance 60486
with this chapter and Chapter 3323. of the Revised Code and 60487
rules adopted thereunder and in accordance with sections 307.86 60488
and 5126.071 of the Revised Code. 60489

(D) A county board may combine transportation for children 60490
and adults enrolled in programs and services offered under 60491
Chapter 5126. of the Revised Code with transportation for 60492
children enrolled in classes funded under sections 3317.0213 and 60493
3317.20 of the Revised Code. 60494

(E) A county board may purchase all necessary insurance 60495
policies, may purchase equipment and supplies through the 60496
department of administrative services or from other sources, and 60497
may enter into agreements with public agencies or nonprofit 60498
organizations for cooperative purchasing arrangements. 60499

(F) A county board may receive by gift, grant, devise, or 60500
bequest any moneys, lands, or property for the benefit of the 60501
purposes for which the board is established and hold, apply, and 60502
dispose of the moneys, lands, and property according to the 60503
terms of the gift, grant, devise, or bequest. All money received 60504
by gift, grant, bequest, or disposition of lands or property 60505
received by gift, grant, devise, or bequest shall be deposited 60506
in the county treasury to the credit of such board and shall be 60507
available for use by the board for purposes determined or stated 60508
by the donor or grantor, but may not be used for personal 60509
expenses of the board members. Any interest or earnings accruing 60510
from such gift, grant, devise, or bequest shall be treated in 60511
the same manner and subject to the same provisions as such gift, 60512
grant, devise, or bequest. 60513

(G) The board of county commissioners shall levy taxes and 60514
make appropriations sufficient to enable the county board of 60515

developmental disabilities to perform its functions and duties, 60516
and may utilize any available local, state, and federal funds 60517
for such purpose. 60518

Sec. 5126.23. (A) As used in this section, "employee" 60519
means a management employee or superintendent of a county board 60520
of developmental disabilities. 60521

(B) An employee may be removed, suspended, or demoted in 60522
accordance with this section for violation of written rules set 60523
forth by the board or for incompetency, inefficiency, 60524
dishonesty, drunkenness, immoral conduct, insubordination, 60525
discourteous treatment of the public, neglect of duty, or other 60526
acts of misfeasance, malfeasance, or nonfeasance. 60527

(C) Prior to the removal, suspension, or demotion of an 60528
employee pursuant to this section, the employee shall be 60529
notified in writing of the charges against the employee. Except 60530
as otherwise provided in division (H) of this section, not later 60531
than thirty days after receiving such notification, a 60532
predisciplinary conference shall be held to provide the employee 60533
an opportunity to refute the charges against the employee. At 60534
least seventy-two hours prior to the conference, the employee 60535
shall be given a copy of the charges against the employee. 60536

If the removal, suspension, or demotion action is directed 60537
against a management employee, the conference shall be held by 60538
the superintendent or a person the superintendent designates, 60539
and the superintendent shall notify the management employee 60540
within fifteen days after the conference of the decision made 60541
with respect to the charges. If the removal, suspension, or 60542
demotion action is directed against a superintendent, the 60543
conference shall be held by the members of the board or their 60544
designees, and the board shall notify the superintendent within 60545

fifteen days after the conference of its decision with respect to the charges. 60546
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(D) Within fifteen days after receiving notification of the results of the predisciplinary conference, an employee may file with the board a written demand for a hearing before the board or before a referee, and the board shall set a time for the hearing which shall be within thirty days from the date of receipt of the written demand, and the board shall give the employee at least twenty days notice in writing of the time and place of the hearing. 60548
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(E) If a referee is demanded by an employee or a county board, the hearing shall be conducted by a referee selected in accordance with division (F) of this section; otherwise, it shall be conducted by a majority of the members of the board and shall be confined to the charges enumerated at the predisciplinary conference. 60556
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(F) Referees for the hearings required by this section shall be selected from the list of names compiled by the ~~superintendent of public instruction~~ director of education and workforce pursuant to section 3319.161 of the Revised Code. Upon receipt of notice that a referee has been demanded by an employee or a county board, the ~~superintendent of public instruction~~ director shall immediately designate three persons from such list, from whom the referee for the hearing shall be chosen, and the ~~superintendent of public instruction~~ director shall immediately notify the designees, the county board, and the employee. If within five days of receipt of the notice, the county board and employee are unable to agree upon one of the designees to serve as referee, the ~~superintendent of public instruction~~ director shall appoint one of the designees to serve 60562
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as referee. The appointment of the referee shall be entered in 60576
the minutes of the county board. The referee appointed shall be 60577
paid the referee's usual and customary fee for attending the 60578
hearing which shall be paid from the general fund of the county 60579
board of developmental disabilities. 60580

(G) The board shall provide for a complete stenographic 60581
record of the proceedings, and a copy of the record shall be 60582
furnished to the employee. 60583

Both parties may be present at the hearing, be represented 60584
by counsel, require witnesses to be under oath, cross-examine 60585
witnesses, take a record of the proceedings, and require the 60586
presence of witnesses in their behalf upon subpoena to be issued 60587
by the county board. If any person fails to comply with a 60588
subpoena, a judge of the court of common pleas of the county in 60589
which the person resides, upon application of any interested 60590
party, shall compel attendance of the person by attachment 60591
proceedings as for contempt. Any member of the board or the 60592
referee may administer oaths to witnesses. After a hearing by a 60593
referee, the referee shall file a report within ten days after 60594
the termination of the hearing. After consideration of the 60595
referee's report, the board, by a majority vote, may accept or 60596
reject the referee's recommendation. After a hearing by the 60597
board, the board, by majority vote, may enter its determination 60598
upon its minutes. If the decision, after hearing, is in favor of 60599
the employee, the charges and the record of the hearing shall be 60600
physically expunged from the minutes and, if the employee has 60601
suffered any loss of salary by reason of being suspended, the 60602
employee shall be paid the employee's full salary for the period 60603
of such suspension. 60604

Any employee affected by a determination of the board 60605

under this division may appeal to the court of common pleas of 60606
the county in which the board is located within thirty days 60607
after receipt of notice of the entry of such determination. The 60608
appeal shall be an original action in the court and shall be 60609
commenced by the filing of a complaint against the board, in 60610
which complaint the facts shall be alleged upon which the 60611
employee relies for a reversal or modification of such 60612
determination. Upon service or waiver of summons in that appeal, 60613
the board immediately shall transmit to the clerk of the court 60614
for filing a transcript of the original papers filed with the 60615
board, a certified copy of the minutes of the board into which 60616
the determination was entered, and a certified transcript of all 60617
evidence adduced at the hearing or hearings before the board or 60618
a certified transcript of all evidence adduced at the hearing or 60619
hearings before the referee, whereupon the cause shall be at 60620
issue without further pleading and shall be advanced and heard 60621
without delay. The court shall examine the transcript and record 60622
of the hearing and shall hold such additional hearings as it 60623
considers advisable, at which it may consider other evidence in 60624
addition to the transcript and record. 60625

Upon final hearing, the court shall grant or deny the 60626
relief prayed for in the complaint as may be proper in 60627
accordance with the evidence adduced in the hearing. Such an 60628
action is a special proceeding, and either the employee or the 60629
board may appeal from the decision of the court of common pleas 60630
pursuant to the Rules of Appellate Procedure and, to the extent 60631
not in conflict with those rules, Chapter 2505. of the Revised 60632
Code. 60633

(H) Notwithstanding divisions (C) to (G) of this section, 60634
a county board and an employee may agree to submit issues 60635
regarding the employee's removal, suspension, or demotion to 60636

binding arbitration. The terms of the submission, including the 60637
method of selecting the arbitrator or arbitrators and the 60638
responsibility for compensating the arbitrator, shall be 60639
provided for in the arbitration agreement. The arbitrator shall 60640
be selected within fifteen days of the execution of the 60641
agreement. Chapter 2711. of the Revised Code governs the 60642
arbitration proceedings. 60643

Sec. 5126.24. (A) As used in this section: 60644

(1) "License" means an educator license issued by the 60645
state board of education under section 3319.22 of the Revised 60646
Code or a certificate issued by the department of developmental 60647
disabilities. 60648

(2) "Teacher" means a person employed by a county board of 60649
developmental disabilities in a position that requires a 60650
license. 60651

(3) "Nonteaching employee" means a person employed by a 60652
county board of developmental disabilities in a position that 60653
does not require a license. 60654

(4) "Years of service" includes all service described in 60655
division (A) of section 3317.13 of the Revised Code. 60656

(B) Subject to rules established by the director of 60657
developmental disabilities pursuant to Chapter 119. of the 60658
Revised Code, each county board of developmental disabilities 60659
shall annually adopt separate salary schedules for teachers and 60660
nonteaching employees. 60661

(C) The teachers' salary schedule shall provide for 60662
increments based on training and years of service. The board may 60663
establish its own service requirements provided no teacher 60664
receives less than the salary the teacher would be paid under 60665

section 3317.13 of the Revised Code if the teacher were employed 60666
by a school district board of education and provided full credit 60667
for a minimum of five years of actual teaching and military 60668
experience as defined in division (A) of such section is given 60669
to each teacher. 60670

Each teacher who has completed training that would qualify 60671
the teacher for a higher salary bracket pursuant to this section 60672
shall file by the fifteenth day of September with the fiscal 60673
officer of the board, satisfactory evidence of the completion of 60674
such additional training. The fiscal officer shall then 60675
immediately place the teacher, pursuant to this section, in the 60676
proper salary bracket in accordance with training and years of 60677
service. No teacher shall be paid less than the salary to which 60678
the teacher would be entitled under section 3317.13 of the 60679
Revised Code if the teacher were employed by a school district 60680
board of education. 60681

The superintendent of each county board, on or before the 60682
fifteenth day of October of each year, shall certify to the 60683
state board of education and the department of education and 60684
workforce the name of each teacher employed, on an annual 60685
salary, in each special education program operated pursuant to 60686
section 3323.09 of the Revised Code during the first full school 60687
week of October. The superintendent further shall certify, for 60688
each teacher, the number of years of training completed at a 60689
recognized college, the degrees earned from a college recognized 60690
by the ~~state board~~ department of education and workforce, the 60691
type of license held, the number of months employed by the 60692
board, the annual salary, and other information that the ~~state-~~ 60693
~~board~~ department may request. 60694

(D) The nonteaching employees' salary schedule established 60695

by the board shall be based on training, experience, and 60696
qualifications with initial salaries no less than salaries in 60697
effect on July 1, 1985. Each board shall prepare and may amend 60698
from time to time, specifications descriptive of duties, 60699
responsibilities, requirements, and desirable qualifications of 60700
the classifications of employees required to perform the duties 60701
specified in the salary schedule. All nonteaching employees 60702
shall be notified of the position classification to which they 60703
are assigned and the salary for the classification. The 60704
compensation of all nonteaching employees working for a 60705
particular board shall be uniform for like positions except as 60706
compensation would be affected by salary increments based upon 60707
length of service. 60708

On the fifteenth day of October of each year the 60709
nonteaching employees' salary schedule and list of job 60710
classifications and salaries in effect on that date shall be 60711
filed by each board with the superintendent of public 60712
instruction and the department. If such salary schedule and 60713
classification plan is not filed, the ~~superintendent of public~~ 60714
~~instruction~~ director of education and workforce shall order the 60715
board to file such schedule and list forthwith. If this 60716
condition is not corrected within ten days after receipt of the 60717
order from the ~~superintendent~~ director, no money shall be 60718
distributed to the board under Chapter 3317. of the Revised Code 60719
until the ~~superintendent~~ director has satisfactory evidence of 60720
the board's full compliance with such order. 60721

Sec. 5139.34. (A) Funds may be appropriated to the 60722
department of youth services for the purpose of granting state 60723
subsidies to counties. A county or the juvenile court that 60724
serves a county shall use state subsidies granted to the county 60725
pursuant to this section only in accordance with divisions (B) 60726

(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the rules pertaining to the state subsidy funds that the department adopts pursuant to division (D) of section 5139.04 of the Revised Code. The department shall not grant financial assistance pursuant to this section for the provision of care and services for children in a placement facility unless the facility has been certified, licensed, or approved by a state or national agency with certification, licensure, or approval authority, including, but not limited to, the department of job and family services, department of education and workforce, department of mental health and addiction services, department of developmental disabilities, or American correctional association. For the purposes of this section, placement facilities do not include a state institution or a county or district children's home.

The department also shall not grant financial assistance pursuant to this section for the provision of care and services for children, including, but not limited to, care and services in a detention facility, in another facility, or in out-of-home placement, unless the minimum standards applicable to the care and services that the department prescribes in rules adopted pursuant to division (D) of section 5139.04 of the Revised Code have been satisfied.

(B) The department of youth services shall apply the following formula to determine the amount of the annual grant that each county is to receive pursuant to division (A) of this section, subject to the appropriation for this purpose to the department made by the general assembly:

(1) Each county shall receive a basic annual grant of fifty thousand dollars.

(2) The sum of the basic annual grants provided under 60757
division (B) (1) of this section shall be subtracted from the 60758
total amount of funds appropriated to the department of youth 60759
services for the purpose of making grants pursuant to division 60760
(A) of this section to determine the remaining portion of the 60761
funds appropriated. The remaining portion of the funds 60762
appropriated shall be distributed on a per capita basis to each 60763
county that has a population of more than twenty-five thousand 60764
for that portion of the population of the county that exceeds 60765
twenty-five thousand. 60766

(C) (1) Prior to a county's receipt of an annual grant 60767
pursuant to this section, the juvenile court that serves the 60768
county shall prepare, submit, and file in accordance with 60769
division (B) (3) (a) of section 5139.43 of the Revised Code an 60770
annual grant agreement and application for funding that is for 60771
the combined purposes of, and that satisfies the requirements 60772
of, this section and section 5139.43 of the Revised Code. In 60773
addition to the subject matters described in division (B) (3) (a) 60774
of section 5139.43 of the Revised Code or in the rules that the 60775
department adopts to implement that division, the annual grant 60776
agreement and application for funding shall address fiscal 60777
accountability and performance matters pertaining to the 60778
programs, care, and services that are specified in the agreement 60779
and application and for which state subsidy funds granted 60780
pursuant to this section will be used. 60781

(2) The county treasurer of each county that receives an 60782
annual grant pursuant to this section shall deposit the state 60783
subsidy funds so received into the county's felony delinquent 60784
care and custody fund created pursuant to division (B) (1) of 60785
section 5139.43 of the Revised Code. Subject to exceptions 60786
prescribed in section 5139.43 of the Revised Code that may apply 60787

to the disbursement, the department shall disburse the state 60788
subsidy funds to which a county is entitled in a lump sum 60789
payment that shall be made in July of each calendar year. 60790

(3) Upon an order of the juvenile court that serves a 60791
county and subject to appropriation by the board of county 60792
commissioners of that county, a county treasurer shall disburse 60793
from the county's felony delinquent care and custody fund the 60794
state subsidy funds granted to the county pursuant to this 60795
section for use only in accordance with this section, the 60796
applicable provisions of section 5139.43 of the Revised Code, 60797
and the county's approved annual grant agreement and application 60798
for funding. 60799

(4) The moneys in a county's felony delinquent care and 60800
custody fund that represent state subsidy funds granted pursuant 60801
to this section are subject to appropriation by the board of 60802
county commissioners of the county; shall be disbursed by the 60803
county treasurer as required by division (C) (3) of this section; 60804
shall be used in the manners referred to in division (C) (3) of 60805
this section; shall not revert to the county general fund at the 60806
end of any fiscal year; shall carry over in the felony 60807
delinquent care and custody fund from the end of any fiscal year 60808
to the next fiscal year; shall be in addition to, and shall not 60809
be used to reduce, any usual annual increase in county funding 60810
that the juvenile court is eligible to receive or the current 60811
level of county funding of the juvenile court and of any 60812
programs, care, or services for alleged or adjudicated 60813
delinquent children, unruly children, or juvenile traffic 60814
offenders or for children who are at risk of becoming delinquent 60815
children, unruly children, or juvenile traffic offenders; and 60816
shall not be used to pay for the care and custody of felony 60817
delinquents who are in the care and custody of an institution 60818

pursuant to a commitment, recommitment, or revocation of a 60819
release on parole by the juvenile court of that county or who 60820
are in the care and custody of a community corrections facility 60821
pursuant to a placement by the department as described in 60822
division (E) of section 5139.36 of the Revised Code. 60823

(5) As a condition of the continued receipt of state 60824
subsidy funds pursuant to this section, each county and the 60825
juvenile court that serves each county that receives an annual 60826
grant pursuant to this section shall comply with divisions (B) 60827
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 60828

Sec. 5145.06. (A) The department of rehabilitation and 60829
correction shall establish and operate a school system that is 60830
approved and chartered by the department of education and 60831
workforce and designated as the Ohio central school system to 60832
serve all of the correctional institutions under its control. 60833
The Ohio central school system shall provide educational 60834
programs for prisoners to allow them to complete adult basic 60835
education courses, earn Ohio certificates of high school 60836
equivalence, or pursue vocational training. To that end, the 60837
department may employ appropriately certified teachers, 60838
administrators, and support staff. The department shall provide 60839
classrooms, shops, and other appropriate facilities and 60840
necessary furniture, books, stationery, supplies, and equipment. 60841

(B) (1) The department of rehabilitation and correction 60842
shall require each prisoner who has not obtained a high school 60843
diploma to take courses leading toward an Ohio certificate of 60844
high school equivalence, an Ohio high school diploma pursuant to 60845
section 3313.61 of the Revised Code, or courses that provide 60846
vocational training. If a prisoner has obtained a high school 60847
diploma, the department shall encourage the prisoner to 60848

participate in a program of advanced studies or training for a skilled trade. 60849
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(2) The department of rehabilitation and correction shall adopt rules that prescribe disciplinary actions that the department may take if a prisoner refuses to participate in an educational program required under division (B)(1) of this section. 60851
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(3) The failure of the department of rehabilitation and correction to provide, pursuant to division (B)(1) of this section, an opportunity for any prisoner to participate in courses that lead toward an Ohio certificate of high school equivalence or an Ohio high school diploma, or that provide vocational training, does not give rise to a claim for damages against the department. 60856
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(C) The department of rehabilitation and correction, for a clearly established medical, mental health, or security reason, may exclude certain prisoners from the requirement to take courses pursuant to division (B)(1) of this section. Any exclusion under this division shall be only for a clearly established medical, mental health, or security reason. Within six months after ~~the effective date of this amendment~~ March 31, 2003, the department shall adopt rules pursuant to Chapter 119. of the Revised Code to establish the criteria and procedures for an exclusion under this division. 60863
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Sec. 5162.363. The department of medicaid shall enter into an interagency agreement with the department of education and workforce under section 5162.35 of the Revised Code that provides for the department of education and workforce to administer the medicaid school component of the medicaid program other than the aspects of the component that sections 5162.36 to 60873
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5162.366 of the Revised Code require the department of medicaid 60879
to administer. The interagency agreement may include a provision 60880
that provides for the department of education and workforce to 60881
pay to the department of medicaid the nonfederal share of a 60882
portion of the administrative expenses the department of 60883
medicaid incurs in administering the aspects of the component 60884
that the department of medicaid administers. 60885

To the extent authorized by rules authorized by section 60886
5162.021 of the Revised Code, the department of education and 60887
workforce shall adopt rules establishing a process by which 60888
qualified medicaid school providers participating in the 60889
medicaid school component pay to the department of education and 60890
workforce the nonfederal share of the department's expenses 60891
incurred in administering the component. The rules shall be 60892
adopted in accordance with Chapter 119. of the Revised Code. 60893

Sec. 5162.365. (A) A qualified medicaid school provider is 60894
solely responsible for timely repaying any overpayment that the 60895
provider receives under the medicaid school component of the 60896
medicaid program and that is discovered by a federal or state 60897
audit. This is the case regardless of whether the audit's 60898
finding identifies the provider, department of medicaid, or 60899
department of education and workforce as being responsible for 60900
the overpayment. 60901

(B) The department of medicaid shall not do any of the 60902
following regarding an overpayment for which a qualified 60903
medicaid school provider is responsible for repaying: 60904

(1) Make a payment to the federal government to meet or 60905
delay the provider's repayment obligation; 60906

(2) Assume the provider's repayment obligation; 60907

- (3) Forgive the provider's repayment obligation. 60908
- (C) Each qualified medicaid school provider shall 60909
indemnify and hold harmless the department of medicaid for any 60910
cost or penalty resulting from a federal or state audit finding 60911
that a claim submitted by the provider under section 5162.361 of 60912
the Revised Code did not comply with a federal or state 60913
requirement applicable to the claim, including a requirement of 60914
a medicaid waiver component. 60915
- Sec. 5502.262.** (A) As used in this section: 60916
- (1) "Administrator" means the superintendent, principal, 60917
chief administrative officer, or other person having supervisory 60918
authority of any of the following: 60919
- (a) A city, exempted village, local, or joint vocational 60920
school district; 60921
- (b) A community school established under Chapter 3314. of 60922
the Revised Code, as required through reference in division (A) 60923
(11)(d) of section 3314.03 of the Revised Code; 60924
- (c) A STEM school established under Chapter 3326. of the 60925
Revised Code, as required through reference in section 3326.11 60926
of the Revised Code; 60927
- (d) A college-preparatory boarding school established 60928
under Chapter 3328. of the Revised Code; 60929
- (e) A district or school operating a career-technical 60930
education program approved by the department of education and 60931
workforce under section 3317.161 of the Revised Code; 60932
- (f) A chartered nonpublic school; 60933
- (g) An educational service center; 60934

- (h) A preschool program or school-age child care program licensed by the department of education and workforce; 60935
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- (i) Any other facility that primarily provides educational services to children subject to regulation by the department of education and workforce. 60937
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- (2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section. 60940
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- (3) "Building" means any school, school building, facility, program, or center. 60943
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- (4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located. 60945
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- (B) (1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator may involve the regional mobile training officer in the development of the plan. The administrator shall incorporate remediation strategies into the 60949
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plan for any building where documented safety problems have occurred. 60964
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(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following: 60966
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(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators; 60969
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(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following: 60971
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(i) A floor plan that is unique to each floor of the building; 60975
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(ii) A site plan that includes all building property and surrounding property; 60977
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(iii) An emergency contact information sheet. 60979

(c) A threat assessment plan developed as prescribed in section 5502.263 of the Revised Code. A building may use the model plan developed by the department of public safety under that section; 60980
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(d) A protocol for school threat assessment teams established under section 3313.669 of the Revised Code. 60984
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(3) Each protocol described in division (B) of this section shall include procedures determined to be appropriate by the administrator for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing 60986
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parents of affected students. 60992

Prior to the opening day of each school year, the 60993
administrator shall inform each student or child enrolled in the 60994
school and the student's or child's parent of the parental 60995
notification procedures included in the protocol. 60996

(4) Each administrator shall keep a copy of the emergency 60997
management plan adopted pursuant to this section in a secure 60998
place. 60999

(C) (1) The administrator shall submit to the director of 61000
public safety, in accordance with rules adopted pursuant to 61001
division (F) of this section, an electronic copy of the 61002
emergency management plan prescribed by division (B) of this 61003
section not less than once every three years, whenever a major 61004
modification to the building requires changes in the procedures 61005
outlined in the plan, and whenever information on the emergency 61006
contact information sheet changes. 61007

(2) The administrator also shall file a copy of the plan 61008
with each law enforcement agency that has jurisdiction over the 61009
school building and, upon request, to any of the following: 61010

(a) The fire department that serves the political 61011
subdivision in which the building is located; 61012

(b) The emergency medical service organization that serves 61013
the political subdivision in which the building is located; 61014

(c) The county emergency management agency for the county 61015
in which the building is located; 61016

(d) The regional mobile training officer. 61017

(3) Upon receipt of an emergency management plan, the 61018
director shall post the information on the contact and 61019

information management system and submit the information in 61020
accordance with rules adopted pursuant to division (F) of this 61021
section, to the attorney general, who shall post that 61022
information on the Ohio law enforcement gateway or its 61023
successor. 61024

(4) Any department or entity to which copies of an 61025
emergency management plan are filed under this section shall 61026
keep the copies in a secure place. 61027

(D) (1) Not later than the first day of July of each year, 61028
each administrator shall review the emergency management plan 61029
and certify to the director that the plan is current and 61030
accurate. 61031

(2) Anytime that an administrator updates the emergency 61032
management plan pursuant to division (C) (1) of this section, the 61033
administrator shall file copies, not later than the tenth day 61034
after the revision is adopted and in accordance with rules 61035
adopted pursuant to division (F) of this section, to the 61036
director and to any entity with which the administrator filed a 61037
copy under division (C) (2) of this section. 61038

(E) Each administrator shall do both of the following: 61039

(1) Prepare and conduct at least one annual emergency 61040
management test, as defined in division (A) (2) of this section, 61041
in accordance with rules adopted pursuant to division (F) of 61042
this section; 61043

(2) Grant access to each building under the control of the 61044
administrator to law enforcement personnel and to entities 61045
described in division (C) (2) of this section, to enable the 61046
personnel and entities to hold training sessions for responding 61047
to threats and emergency events affecting the building, provided 61048

that the access occurs outside of student instructional hours 61049
and the administrator, or the administrator's designee, is 61050
present in the building during the training sessions. 61051

(F) The director of public safety, in consultation with 61052
representatives from the education community and in accordance 61053
with Chapter 119. of the Revised Code, shall adopt rules 61054
regarding emergency management plans under this section, 61055
including the content of the plans and procedures for filing the 61056
plans. The rules shall specify that plans and information 61057
required under division (B) of this section be submitted on 61058
standardized forms developed by the director for such purpose. 61059
The rules shall also specify the requirements and procedures for 61060
emergency management tests conducted pursuant to division (E) (1) 61061
of this section. Failure to comply with the rules may result in 61062
discipline pursuant to section 3319.31 of the Revised Code or 61063
any other action against the administrator as prescribed by 61064
rule. 61065

(G) Division (B) of section 3319.31 of the Revised Code 61066
applies to any administrator who is subject to the requirements 61067
of this section and is not exempt under division (H) of this 61068
section and who is an applicant for a license or holds a license 61069
from the state board of education pursuant to section 3319.22 of 61070
the Revised Code. 61071

(H) (1) The director may exempt any administrator from the 61072
requirements of this section, if the director determines that 61073
the requirements do not otherwise apply to a building or 61074
buildings under the control of that administrator. 61075

(2) The director shall exempt from the requirements of 61076
this section the administrator of an online learning school, 61077
established under section 3302.42 of the Revised Code, unless 61078

students of that school participate in in-person instruction or 61079
assessments at a location that is not covered by an existing 61080
emergency management plan, developed under this section as of 61081
December 14, 2021. 61082

(I) Copies of the emergency management plan and 61083
information required under division (B) of this section are 61084
security records and are not public records pursuant to section 61085
149.433 of the Revised Code. In addition, the information posted 61086
to the contact and information management system, pursuant to 61087
division (C) (3) (b) of this section, is exempt from public 61088
disclosure or release in accordance with sections 149.43, 61089
149.433, and 5502.03 of the Revised Code. 61090

Notwithstanding section 149.433 of the Revised Code, a 61091
floor plan filed with the attorney general pursuant to this 61092
section is not a public record to the extent it is a record kept 61093
by the attorney general. 61094

Sec. 5502.263. (A) As used in this section, "evidence- 61095
based" means a program or practice that does either of the 61096
following: 61097

(1) Demonstrates a rationale based on high-quality 61098
research findings or positive evaluation that such a program or 61099
practice is likely to improve relevant outcomes and includes 61100
ongoing efforts to examine the effects of the program or 61101
practice; 61102

(2) Has a statistically significant effect on relevant 61103
outcomes based on: 61104

(a) Strong evidence from at least one well-designed and 61105
well-implemented experimental study; 61106

(b) Moderate evidence from at least one well-designed and 61107

well-implemented quasi-experimental study; or 61108

(c) Promising evidence from at least one well-designed and 61109
well-implemented correlation study with statistical controls for 61110
selection bias. 61111

(B) Not later than two years after ~~the effective date of~~ 61112
~~this section~~ March 24, 2021, the department of public safety, in 61113
consultation with the department of education and workforce and 61114
the attorney general, shall develop a model threat assessment 61115
plan that may be used in a building's emergency management plan 61116
developed under section 5502.262 of the Revised Code. The model 61117
plan shall do at least the following: 61118

(1) Identify the types of threatening behavior that may 61119
represent a physical threat to a school community; 61120

(2) Identify individuals to whom threatening behavior 61121
should be reported and steps to be taken by those individuals; 61122

(3) Establish threat assessment guidelines including 61123
identification, evaluation of seriousness of threat or danger, 61124
intervention to reduce potential violence, and follow-up to 61125
assess intervention results; 61126

(4) Establish guidelines for coordinating with local law 61127
enforcement agencies and reports collected through the 61128
district's chosen anonymous reporting program under section 61129
3313.6610 of the Revised Code and identify a point of contact 61130
within each agency; 61131

(5) Conform with all other specifications in a school's 61132
emergency management plan developed under section 5502.262 of 61133
the Revised Code. 61134

Evidence-based threat assessment processes or best 61135

practice threat assessment guidelines created by the national 61136
threat assessment center shall be a resource when developing the 61137
model threat assessment plan. 61138

(C) Not later than two years after ~~the effective date of~~ 61139
~~this section~~ March 24, 2021, the department of public safety, in 61140
consultation with the department of education and workforce and 61141
the attorney general, shall develop and maintain a list of 61142
approved training programs for completion by school threat 61143
assessment team members prescribed in section 3313.669 of the 61144
Revised Code, one of which must be free or of no cost to 61145
schools. Each program approved under this section must be an 61146
evidence-based program that provides instruction in the 61147
following: 61148

(1) Identifying behaviors, signs, and threats that may 61149
lead to a violent act; 61150

(2) Determining the seriousness of a threat; 61151

(3) Developing intervention plans that protect the 61152
potential victims and address the underlying problem or conflict 61153
that initiated the behavior and assessments of plan results. 61154

Completion of an approved program under this section shall 61155
fulfill the training requirements prescribed under section 61156
3313.669 of the Revised Code. 61157

Sec. 5513.04. (A) Notwithstanding sections 125.12, 125.13, 61158
and 125.14 of the Revised Code, the director of transportation 61159
may sell, transfer, or otherwise dispose of any item of personal 61160
property that is not needed by the department of transportation. 61161
The director may exchange any such item, in the manner provided 61162
for in this chapter, and pay the balance of the cost of such new 61163
item from funds appropriated to the department. The director 61164

also may accept a credit voucher or cash in an amount mutually 61165
agreed upon between a vendor and the department. The director 61166
shall apply the amount of any credit voucher to future purchases 61167
from that vendor and shall deposit any cash into the state 61168
treasury to the credit of the highway operating fund created in 61169
section 5735.051 of the Revised Code. 61170

(B) (1) The director may sell or transfer any structure, 61171
machinery, tools, equipment, parts, material, office furniture, 61172
or supplies unfit for use or not needed by the department of 61173
transportation to any agency of the state or a political 61174
subdivision of the state without notice of the proposed disposal 61175
and upon any mutually agreed upon terms. 61176

(2) Before selling any passenger vehicle, van, truck, 61177
trailer, or other heavy equipment, the director shall notify 61178
each county, municipal corporation, township, and school 61179
district of the sale. The director shall similarly notify the 61180
board of trustees of any regional water and sewer district 61181
established under Chapter 6119. of the Revised Code, when the 61182
board has forwarded to the director the district's name and 61183
current business address. For the purposes of this division, the 61184
name and current business address of a regional water and sewer 61185
district shall be forwarded to the director once each year 61186
during any year in which the board wishes the notification to be 61187
given. The notice required by this division may be given by the 61188
most economical means considered to be effective. If after seven 61189
days following mailing or other issuance of the director's 61190
notice, no county, municipal corporation, township, regional 61191
water and sewer district, educational service center, or school 61192
district has notified the director that it wishes to purchase 61193
any such vehicle or other heavy equipment, the director may 61194
proceed with the sale under division (C) of this section. 61195

In the discretion of the director, the director may 61196
transfer any vehicle or other heavy equipment that is unfit for 61197
use or not needed by the department to any agency of the state 61198
or political subdivision of the state without advertising for 61199
bids and upon mutually agreed upon terms. 61200

(3) The director may sell or otherwise dispose of any 61201
structure or structural materials salvaged on the state highway 61202
system that in the director's judgment are no longer needed by 61203
the department, or that, through wear or obsolescence, have 61204
become unfit for use. The director may transfer the structure or 61205
materials to counties, municipal corporations, school districts, 61206
or other political subdivisions without advertising for bids and 61207
upon mutually agreed upon terms. The director may transfer the 61208
structure or structural materials to a nonprofit corporation 61209
upon being furnished a copy of a contract between the nonprofit 61210
corporation and a county, municipal corporation, or other 61211
political subdivision to which the structure is to be moved 61212
pursuant to which the nonprofit corporation must make the 61213
structure or structural materials available for rent or sale 61214
within a period of three months after becoming available for 61215
occupancy to an individual or family which has been displaced by 61216
governmental action or which occupies substandard housing as 61217
certified by such political subdivision, without advertising for 61218
bids. Any such transfers shall be for such consideration as 61219
shall be determined by the director to be fair and reasonable, 61220
and shall be upon such terms and specifications with respect to 61221
performance and indemnity as shall be determined necessary by 61222
the director. 61223

When, in carrying out an improvement that replaces any 61224
structure or structural materials, it is advantageous to dispose 61225
of the structure or structural materials by providing in the 61226

contract for the improvement that the structure or structural 61227
materials, or any part thereof, shall become the property of the 61228
contractor, the director may so proceed. 61229

(C) (1) Any item that has not been sold or transferred as 61230
provided in division (B) of this section may be sold at a public 61231
sale, as determined by the director. The director may authorize 61232
such sale by the deputy directors of transportation, and the 61233
proceedings of such sale shall be conducted in the same manner 61234
as provided for sales by the director. The director may 61235
establish a minimum price for any item to be sold and may 61236
establish any other terms, conditions, and manner for the sale 61237
of a particular item, which may be on any basis the director 61238
determines to be most advantageous to the department. The 61239
director may reject any offer or bid for an item. The director 61240
may remove any item from a sale if it develops that a public 61241
authority has a use for the item. In any notice of a sale, the 61242
director shall include a brief description of the item to be 61243
sold, the terms and conditions of the sale, and a statement of 61244
the time, place, and manner of the sale. 61245

(2) (a) If, in the opinion of the director, any item to be 61246
sold has an estimated fair market value in excess of one 61247
thousand dollars, the director shall post a notice of the sale, 61248
for not less than ten days, on the official web site of the 61249
department. If the district where the property is located 61250
maintains a web site, notice of the sale also shall be posted on 61251
that web site. At least ten days before the sale, the director 61252
also shall publish one notice of the sale in a periodical or 61253
newspaper of general circulation in the region in which the 61254
items are located. A sale under division (C) (2) (a) of this 61255
section shall be made to the highest responsible bidder. 61256

(b) If, in the opinion of the director, any item to be sold has an estimated fair market value of one thousand dollars or less, the director is not required to advertise the proposed sale except by notice posted on the official web site of the department. The notice shall be posted for at least five working days. A sale under division (C) (2) (b) of this section shall be made to the highest responsible bidder.

(D) Proceeds of any sale described in this section shall be paid into the state treasury to the credit of the highway operating fund or any other fund of the department as determined by the director.

(E) Once each year, the ~~state board~~ department of education and workforce shall provide the director with a current list of the addresses of all school districts and educational service centers in the state.

(F) As used in this section:

(1) "Personal property" means any structure or structural material, machinery, tools, equipment, parts, material, office furniture, supplies, passenger vehicle, van, truck, trailer, or other heavy equipment of the department;

(2) "School district" means any city school district, local school district, exempted village school district, cooperative education school district, and joint vocational school district, as defined in Chapter 3311. of the Revised Code.

(3) "Sale" means fixed price sale, live or internet auction, or any other type of sale determined by the director.

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) of this section, no agent of the department of taxation,

except in the agent's report to the department or when called on 61286
to testify in any court or proceeding, shall divulge any 61287
information acquired by the agent as to the transactions, 61288
property, or business of any person while acting or claiming to 61289
act under orders of the department. Whoever violates this 61290
provision shall thereafter be disqualified from acting as an 61291
officer or employee or in any other capacity under appointment 61292
or employment of the department. 61293

(B) (1) For purposes of an audit pursuant to section 117.15 61294
of the Revised Code, or an audit of the department pursuant to 61295
Chapter 117. of the Revised Code, or an audit, pursuant to that 61296
chapter, the objective of which is to express an opinion on a 61297
financial report or statement prepared or issued pursuant to 61298
division (A) (7) or (9) of section 126.21 of the Revised Code, 61299
the officers and employees of the auditor of state charged with 61300
conducting the audit shall have access to and the right to 61301
examine any state tax returns and state tax return information 61302
in the possession of the department to the extent that the 61303
access and examination are necessary for purposes of the audit. 61304
Any information acquired as the result of that access and 61305
examination shall not be divulged for any purpose other than as 61306
required for the audit or unless the officers and employees are 61307
required to testify in a court or proceeding under compulsion of 61308
legal process. Whoever violates this provision shall thereafter 61309
be disqualified from acting as an officer or employee or in any 61310
other capacity under appointment or employment of the auditor of 61311
state. 61312

(2) For purposes of an internal audit pursuant to section 61313
126.45 of the Revised Code, the officers and employees of the 61314
office of internal audit in the office of budget and management 61315
charged with directing the internal audit shall have access to 61316

and the right to examine any state tax returns and state tax
return information in the possession of the department to the
extent that the access and examination are necessary for
purposes of the internal audit. Any information acquired as the
result of that access and examination shall not be divulged for
any purpose other than as required for the internal audit or
unless the officers and employees are required to testify in a
court or proceeding under compulsion of legal process. Whoever
violates this provision shall thereafter be disqualified from
acting as an officer or employee or in any other capacity under
appointment or employment of the office of internal audit.

(3) As provided by section 6103(d) (2) of the Internal
Revenue Code, any federal tax returns or federal tax information
that the department has acquired from the internal revenue
service, through federal and state statutory authority, may be
disclosed to the auditor of state or the office of internal
audit solely for purposes of an audit of the department.

(4) For purposes of Chapter 3739. of the Revised Code, an
agent of the department of taxation may share information with
the division of state fire marshal that the agent finds during
the course of an investigation.

(C) Division (A) of this section does not prohibit any of
the following:

(1) Divulging information contained in applications,
complaints, and related documents filed with the department
under section 5715.27 of the Revised Code or in applications
filed with the department under section 5715.39 of the Revised
Code;

(2) Providing information to the office of child support

within the department of job and family services pursuant to 61346
section 3125.43 of the Revised Code; 61347

(3) Disclosing to the motor vehicle repair board any 61348
information in the possession of the department that is 61349
necessary for the board to verify the existence of an 61350
applicant's valid vendor's license and current state tax 61351
identification number under section 4775.07 of the Revised Code; 61352

(4) Providing information to the administrator of workers' 61353
compensation pursuant to sections 4123.271 and 4123.591 of the 61354
Revised Code; 61355

(5) Providing to the attorney general information the 61356
department obtains under division (J) of section 1346.01 of the 61357
Revised Code; 61358

(6) Permitting properly authorized officers, employees, or 61359
agents of a municipal corporation from inspecting reports or 61360
information pursuant to section 718.84 of the Revised Code or 61361
rules adopted under section 5745.16 of the Revised Code; 61362

(7) Providing information regarding the name, account 61363
number, or business address of a holder of a vendor's license 61364
issued pursuant to section 5739.17 of the Revised Code, a holder 61365
of a direct payment permit issued pursuant to section 5739.031 61366
of the Revised Code, or a seller having a use tax account 61367
maintained pursuant to section 5741.17 of the Revised Code, or 61368
information regarding the active or inactive status of a 61369
vendor's license, direct payment permit, or seller's use tax 61370
account; 61371

(8) Releasing invoices or invoice information furnished 61372
under section 4301.433 of the Revised Code pursuant to that 61373
section; 61374

(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;

(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;

(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;

(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.

(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that

is necessary to verify a casino operator's or sports gaming 61404
proprietor's compliance with section 5747.063, 5753.02, or 61405
5753.021 of the Revised Code and sections related thereto; 61406

(15) Disclosing to the state lottery commission 61407
information in the possession of the department of taxation that 61408
is necessary to verify a lottery sales agent's compliance with 61409
section 5747.064 of the Revised Code. 61410

(16) Disclosing to the department of development 61411
information in the possession of the department of taxation that 61412
is necessary to ensure compliance with the laws of this state 61413
governing taxation and to verify information reported to the 61414
department of development for the purpose of evaluating 61415
potential tax credits, tax deductions, grants, or loans. Such 61416
information shall not include information received from the 61417
internal revenue service the disclosure of which is prohibited 61418
by section 6103 of the Internal Revenue Code. No officer, 61419
employee, or agent of the department of development shall 61420
disclose any information provided to the department of 61421
development by the department of taxation under division (C)(16) 61422
of this section except when disclosure of the information is 61423
necessary for, and made solely for the purpose of facilitating, 61424
the evaluation of potential tax credits, tax deductions, grants, 61425
or loans. 61426

(17) Disclosing to the department of insurance information 61427
in the possession of the department of taxation that is 61428
necessary to ensure a taxpayer's compliance with the 61429
requirements with any tax credit administered by the department 61430
of development and claimed by the taxpayer against any tax 61431
administered by the superintendent of insurance. No officer, 61432
employee, or agent of the department of insurance shall disclose 61433

any information provided to the department of insurance by the 61434
department of taxation under division (C) (17) of this section. 61435

(18) Disclosing to the division of liquor control 61436
information in the possession of the department of taxation that 61437
is necessary for the division and department to comply with the 61438
requirements of sections 4303.26 and 4303.271 of the Revised 61439
Code. 61440

(19) Disclosing to the department of education and 61441
workforce, upon that department's request, information in the 61442
possession of the department of taxation that is necessary only 61443
to verify whether the family income of a student applying for or 61444
receiving a scholarship under the educational choice scholarship 61445
pilot program is equal to, less than, or greater than the income 61446
thresholds prescribed by section 3310.032 of the Revised Code. 61447
The department of education and workforce shall provide 61448
sufficient information about the student and the student's 61449
family to enable the department of taxation to make the 61450
verification. 61451

(20) Disclosing to the Ohio rail development commission 61452
information in the possession of the department of taxation that 61453
is necessary to ensure compliance with the laws of this state 61454
governing taxation and to verify information reported to the 61455
commission for the purpose of evaluating potential grants or 61456
loans. Such information shall not include information received 61457
from the internal revenue service the disclosure of which is 61458
prohibited by section 6103 of the Internal Revenue Code. No 61459
member, officer, employee, or agent of the Ohio rail development 61460
commission shall disclose any information provided to the 61461
commission by the department of taxation under division (C) (20) 61462
of this section except when disclosure of the information is 61463

necessary for, and made solely for the purpose of facilitating, 61464
the evaluation of potential grants or loans. 61465

(21) Disclosing to the state racing commission information 61466
in the possession of the department of taxation that is 61467
necessary for verification of compliance with and for 61468
enforcement and administration of the taxes levied by Chapter 61469
3769. of the Revised Code. Such information shall include 61470
information that is necessary for the state racing commission to 61471
verify compliance with Chapter 3769. of the Revised Code for the 61472
purposes of issuance, denial, suspension, or revocation of a 61473
permit pursuant to section 3769.03 or 3769.06 of the Revised 61474
Code and related sections. Unless disclosure is otherwise 61475
authorized by law, information provided to the state racing 61476
commission under this section remains confidential and is not 61477
subject to public disclosure pursuant to section 3769.041 of the 61478
Revised Code. 61479

(22) Disclosing to the state fire marshal information in 61480
the possession of the department of taxation that is necessary 61481
for the state fire marshal to verify the compliance of a 61482
licensed manufacturer of fireworks or a licensed wholesaler of 61483
fireworks with section 3743.22 of the Revised Code. No officer, 61484
employee, or agent of the state fire marshal shall disclose any 61485
information provided to the state fire marshal by the department 61486
of taxation under division (C) (22) of this section. 61487

(23) Disclosing to the department of job and family 61488
services information in the possession of the department of 61489
taxation for either of the following purposes: 61490

(a) Making a determination under section 4141.28 of the 61491
Revised Code; 61492

(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code. 61493
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Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code. 61495
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Sec. 5705.216. A board of education that has issued notes in anticipation of the proceeds of a permanent improvements levy in the maximum amount permitted under division (D) (2) or (3) of section 5705.21 of the Revised Code or a taxing authority of a county school financing district that has issued notes in anticipation of the proceeds of a levy in the maximum amount permitted under section 5705.215 of the Revised Code may, if the proceeds from the issuance of such notes have been spent, contracted, or encumbered, apply to the ~~superintendent of public instruction~~ director of education and workforce for authorization to anticipate a fraction of the remaining estimated proceeds of the levy and issue anticipation notes for that purpose. The application shall be in such form and contain such information as the ~~superintendent~~ director considers necessary and shall specify the amount of notes to be issued. The amount shall not exceed the following: 61498
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(A) In the case of a school district: 61514

(1) For levies described under division (D) (2) of section 5705.21 of the Revised Code, the amount by which the total estimated proceeds of the levy remaining to be collected throughout its life exceeds the amount from such proceeds required to pay the principal and interest on notes issued under section 5705.21 of the Revised Code and the interest on any notes issued under this section; 61515
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(2) For levies described under division (D) (3) of section 5705.21 of the Revised Code, the amount by which the total estimated proceeds of the levy remaining to be collected over the specified number of years authorized for the issuance of the notes exceeds the amount from such proceeds required to pay the principal and interest on notes issued under section 5705.21 of the Revised Code and the interest on any notes issued under this section. 61522
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(B) In the case of a county school financing district, the amount by which the total estimated proceeds of the levy remaining to be collected for the first five years of its life exceed the amount from such proceeds required to pay the principal and interest on notes issued under section 5705.215 of the Revised Code and the interest on any notes issued under this section. 61530
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The ~~superintendent~~director shall examine the application and any other relevant information submitted and shall determine and certify the maximum amount of notes the district may issue under this section, which may be an amount less than the amount requested by the district. 61537
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If the ~~superintendent~~director determines that the anticipated proceeds from the levy may be significantly less than expected and that additional notes should not be issued, the ~~superintendent~~director may deny the application and give written notice of the denial to the president of the district's board of education or the taxing authority. 61542
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Such notes shall be sold in the same manner as notes issued under section 5705.21 or 5705.215 of the Revised Code. 61548
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Sec. 5705.391. (A) The department of education and 61550

workforce and the auditor of state shall jointly adopt rules 61551
requiring boards of education to submit five-year projections of 61552
operational revenues and expenditures. The rules shall provide 61553
for the auditor of state or the department to examine the five- 61554
year projections and to determine whether any further fiscal 61555
analysis is needed to ascertain whether a district has the 61556
potential to incur a deficit during the first three years of the 61557
five-year period. 61558

The auditor of state or the department may conduct any 61559
further audits or analyses necessary to assess any district's 61560
fiscal condition. If further audits or analyses are conducted by 61561
the auditor of state, the auditor of state shall notify the 61562
department of the district's fiscal condition, and the 61563
department shall immediately notify the district of any 61564
potential to incur a deficit in the current fiscal year or of 61565
any strong indications that a deficit will be incurred in either 61566
of the ensuing two years. If such audits or analyses are 61567
conducted by the department, the department shall immediately 61568
notify the district and the auditor of state of such potential 61569
deficit or strong indications thereof. 61570

A district notified under this section shall take 61571
immediate steps to eliminate any deficit in the current fiscal 61572
year and shall begin to plan to avoid the projected future 61573
deficits. 61574

(B) The state board of education, in accordance with 61575
sections 3319.31 and 3319.311 of the Revised Code, may limit, 61576
suspend, or revoke a license as defined under section 3319.31 of 61577
the Revised Code that has been issued to any school employee 61578
found to have willfully contributed erroneous, inaccurate, or 61579
incomplete data required for the submission of the five-year 61580

projection required by this section. 61581

(C) The department and the auditor of state, in their 61582
joint adoption of rules under division (A) of this section, 61583
shall not require a board of education to submit its five-year 61584
projection of operational revenues and expenditures prior to the 61585
thirtieth day of November of any fiscal year. 61586

Sec. 5705.412. (A) As used in this section, "qualifying 61587
contract" means any agreement for the expenditure of money under 61588
which aggregate payments from the funds included in the school 61589
district's five-year forecast under section 5705.391 of the 61590
Revised Code will exceed the lesser of the following amounts: 61591

(1) Five hundred thousand dollars; 61592

(2) One per cent of the total revenue to be credited in 61593
the current fiscal year to the district's general fund, as 61594
specified in the district's most recent certificate of estimated 61595
resources certified under section 5705.36 of the Revised Code. 61596

(B) (1) Notwithstanding section 5705.41 of the Revised 61597
Code, no school district shall adopt any appropriation measure, 61598
make any qualifying contract, or increase during any school year 61599
any wage or salary schedule unless there is attached thereto a 61600
certificate, signed as required by this section, that the school 61601
district has in effect the authorization to levy taxes including 61602
the renewal or replacement of existing levies which, when 61603
combined with the estimated revenue from all other sources 61604
available to the district at the time of certification, are 61605
sufficient to provide the operating revenues necessary to enable 61606
the district to maintain all personnel and programs for all the 61607
days set forth in its adopted school calendars for the current 61608
fiscal year and for a number of days in succeeding fiscal years 61609

equal to the number of days instruction was held or is scheduled 61610
for the current fiscal year, as follows: 61611

(a) A certificate attached to an appropriation measure 61612
under this section shall cover only the fiscal year in which the 61613
appropriation measure is effective and shall not consider the 61614
renewal or replacement of an existing levy as the authority to 61615
levy taxes that are subject to appropriation in the current 61616
fiscal year unless the renewal or replacement levy has been 61617
approved by the electors and is subject to appropriation in the 61618
current fiscal year. 61619

(b) A certificate attached, in accordance with this 61620
section, to any qualifying contract shall cover the term of the 61621
contract. 61622

(c) A certificate attached under this section to a wage or 61623
salary schedule shall cover the term of the schedule. 61624

If the board of education has not adopted a school 61625
calendar for the school year beginning on the first day of the 61626
fiscal year in which a certificate is required, the certificate 61627
attached to an appropriation measure shall include the number of 61628
days on which instruction was held in the preceding fiscal year 61629
and other certificates required under this section shall include 61630
that number of days for the fiscal year in which the certificate 61631
is required and any succeeding fiscal years that the certificate 61632
must cover. 61633

The certificate shall be signed by the treasurer and 61634
president of the board of education and the superintendent of 61635
the school district, unless the district is in a state of fiscal 61636
emergency declared under Chapter 3316. of the Revised Code. In 61637
that case, the certificate shall be signed by a member of the 61638

district's financial planning and supervision commission who is 61639
designated by the commission for this purpose. 61640

(2) In lieu of the certificate required under division (B) 61641
of this section, an alternative certificate stating the 61642
following may be attached: 61643

(a) The contract is a multi-year contract for materials, 61644
equipment, or nonpayroll services essential to the education 61645
program of the district; 61646

(b) The multi-year contract demonstrates savings over the 61647
duration of the contract as compared to costs that otherwise 61648
would have been demonstrated in a single year contract, and the 61649
terms will allow the district to reduce the deficit it is 61650
currently facing in future years as demonstrated in its five- 61651
year forecast adopted in accordance with section 5705.391 of the 61652
Revised Code. 61653

The certificate shall be signed by the treasurer and 61654
president of the board of education and the superintendent of 61655
the school district, unless the district is in a state of fiscal 61656
emergency declared under Chapter 3316. of the Revised Code. In 61657
that case, the certificate shall be signed by a member of the 61658
district's financial planning and supervision commission who is 61659
designated by the commission for this purpose. 61660

(C) Every qualifying contract made or wage or salary 61661
schedule adopted or put into effect without such a certificate 61662
shall be void, and no payment of any amount due thereon shall be 61663
made. 61664

(D) The department of education and workforce and the 61665
auditor of state jointly shall adopt rules governing the methods 61666
by which treasurers, presidents of boards of education, 61667

superintendents, and members of financial planning and 61668
supervision commissions shall estimate revenue and determine 61669
whether such revenue is sufficient to provide necessary 61670
operating revenue for the purpose of making certifications 61671
required by this section. 61672

(E) The auditor of state shall be responsible for 61673
determining whether school districts are in compliance with this 61674
section. At the time a school district is audited pursuant to 61675
section 117.11 of the Revised Code, the auditor of state shall 61676
review each certificate issued under this section since the 61677
district's last audit, and the appropriation measure, contract, 61678
or wage and salary schedule to which such certificate was 61679
attached. If the auditor of state determines that a school 61680
district has not complied with this section with respect to any 61681
qualifying contract or wage or salary schedule, the auditor of 61682
state shall notify the prosecuting attorney for the county, the 61683
city director of law, or other chief law officer of the school 61684
district. That officer may file a civil action in any court of 61685
appropriate jurisdiction to seek a declaration that the contract 61686
or wage or salary schedule is void, to recover for the school 61687
district from the payee the amount of payments already made 61688
under it, or both, except that the officer shall not seek to 61689
recover payments made under any collective bargaining agreement 61690
entered into under Chapter 4117. of the Revised Code. If the 61691
officer does not file such an action within one hundred twenty 61692
days after receiving notice of noncompliance from the auditor of 61693
state, any taxpayer may institute the action in the taxpayer's 61694
own name on behalf of the school district. 61695

(F) This section does not apply to any contract or 61696
increase in any wage or salary schedule that is necessary in 61697
order to enable a board of education to comply with division (B) 61698

of section 3317.13 of the Revised Code, provided the contract or 61699
increase does not exceed the amount required to be paid to be in 61700
compliance with such division. 61701

(G) Any officer, employee, or other person who expends or 61702
authorizes the expenditure of any public funds or authorizes or 61703
executes any contract or schedule contrary to this section, 61704
expends or authorizes the expenditure of any public funds on the 61705
void contract or schedule, or issues a certificate under this 61706
section which contains any false statements is liable to the 61707
school district for the full amount paid from the district's 61708
funds on the contract or schedule. The officer, employee, or 61709
other person is jointly and severally liable in person and upon 61710
any official bond that the officer, employee, or other person 61711
has given to the school district to the extent of any payments 61712
on the void claim, not to exceed ten thousand dollars. However, 61713
no officer, employee, or other person shall be liable for a 61714
mistaken estimate of available resources made in good faith and 61715
based upon reasonable grounds. If an officer, employee, or other 61716
person is found to have complied with rules jointly adopted by 61717
the department of education and workforce and the auditor of 61718
state under this section governing methods by which revenue 61719
shall be estimated and determined sufficient to provide 61720
necessary operating revenue for the purpose of making 61721
certifications required by this section, the officer, employee, 61722
or other person shall not be liable under this section if the 61723
estimates and determinations made according to those rules do 61724
not, in fact, conform with actual revenue. The prosecuting 61725
attorney of the county, the city director of law, or other chief 61726
law officer of the district shall enforce this liability by 61727
civil action brought in any court of appropriate jurisdiction in 61728
the name of and on behalf of the school district. If the 61729

prosecuting attorney, city director of law, or other chief law officer of the district fails, upon the written request of any taxpayer, to institute action for the enforcement of the liability, the attorney general, or the taxpayer in the taxpayer's own name, may institute the action on behalf of the subdivision.

(H) This section does not require the attachment of an additional certificate beyond that required by section 5705.41 of the Revised Code for current payrolls of, or contracts of employment with, any employees or officers of the school district.

This section does not require the attachment of a certificate to a temporary appropriation measure if all of the following apply:

(1) The amount appropriated does not exceed twenty-five per cent of the total amount from all sources available for expenditure from any fund during the preceding fiscal year;

(2) The measure will not be in effect on or after the thirtieth day following the earliest date on which the district may pass an annual appropriation measure;

(3) An amended official certificate of estimated resources for the current year, if required, has not been certified to the board of education under division (B) of section 5705.36 of the Revised Code.

Sec. 5709.07. (A) The following property shall be exempt from taxation:

(1) Real property used by a school for primary or secondary educational purposes, including only so much of the land as is necessary for the proper occupancy, use, and

enjoyment of such real property by the school for primary or 61759
secondary educational purposes. The exemption under division (A) 61760
(1) of this section does not apply to any portion of the real 61761
property not used for primary or secondary educational purposes. 61762

For purposes of division (A) (1) of this section: 61763

(a) "School" means a public or nonpublic school. "School" 61764
excludes home ~~instruction~~ education as authorized under section 61765
~~3321.04~~3321.042 of the Revised Code. 61766

(b) "Public school" includes schools of a school district, 61767
STEM schools established under Chapter 3326. of the Revised 61768
Code, community schools established under Chapter 3314. of the 61769
Revised Code, and educational service centers established under 61770
section 3311.05 of the Revised Code. 61771

(c) "Nonpublic school" means a nonpublic school for which 61772
the ~~state board~~ director of education and workforce has issued a 61773
charter pursuant to section 3301.16 of the Revised Code and 61774
prescribes minimum standards under division (D) (2) of section 61775
3301.07 of the Revised Code. 61776

(2) Houses used exclusively for public worship, the books 61777
and furniture in them, and the ground attached to them that is 61778
not leased or otherwise used with a view to profit and that is 61779
necessary for their proper occupancy, use, and enjoyment; 61780

(3) Real property owned and operated by a church that is 61781
used primarily for church retreats or church camping, and that 61782
is not used as a permanent residence. Real property exempted 61783
under division (A) (3) of this section may be made available by 61784
the church on a limited basis to charitable and educational 61785
institutions if the property is not leased or otherwise made 61786
available with a view to profit. 61787

(4) Public colleges and academies and all buildings 61788
connected with them, and all lands connected with public 61789
institutions of learning, not used with a view to profit, 61790
including those buildings and lands that satisfy all of the 61791
following: 61792

(a) The buildings are used for housing for full-time 61793
students or housing-related facilities for students, faculty, or 61794
employees of a state university, or for other purposes related 61795
to the state university's educational purpose, and the lands are 61796
underneath the buildings or are used for common space, walkways, 61797
and green spaces for the state university's students, faculty, 61798
or employees. As used in this division, "housing-related 61799
facilities" includes both parking facilities related to the 61800
buildings and common buildings made available to students, 61801
faculty, or employees of a state university. The leasing of 61802
space in housing-related facilities shall not be considered an 61803
activity with a view to profit for purposes of division (A) (4) 61804
of this section. 61805

(b) The buildings and lands are supervised or otherwise 61806
under the control, directly or indirectly, of an organization 61807
that is exempt from federal income taxation under section 501(c) 61808
(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 61809
U.S.C. 1, as amended, and the state university has entered into 61810
a qualifying joint use agreement with the organization that 61811
entitles the students, faculty, or employees of the state 61812
university to use the lands or buildings; 61813

(c) The state university has agreed, under the terms of 61814
the qualifying joint use agreement with the organization 61815
described in division (A) (4) (b) of this section, that the state 61816
university, to the extent applicable under the agreement, will 61817

make payments to the organization in amounts sufficient to 61818
maintain agreed-upon debt service coverage ratios on bonds 61819
related to the lands or buildings. 61820

(B) This section shall not extend to leasehold estates or 61821
real property held under the authority of a college or 61822
university of learning in this state; but leaseholds, or other 61823
estates or property, real or personal, the rents, issues, 61824
profits, and income of which is given to a municipal 61825
corporation, school district, or subdistrict in this state 61826
exclusively for the use, endowment, or support of schools for 61827
the free education of youth without charge shall be exempt from 61828
taxation as long as such property, or the rents, issues, 61829
profits, or income of the property is used and exclusively 61830
applied for the support of free education by such municipal 61831
corporation, district, or subdistrict. Division (B) of this 61832
section shall not apply with respect to buildings and lands that 61833
satisfy all of the requirements specified in divisions (A) (4) (a) 61834
to (c) of this section. 61835

(C) For purposes of this section, if the requirements 61836
specified in divisions (A) (4) (a) to (c) of this section are 61837
satisfied, the buildings and lands with respect to which 61838
exemption is claimed under division (A) (4) of this section shall 61839
be deemed to be used with reasonable certainty in furthering or 61840
carrying out the necessary objects and purposes of a state 61841
university. 61842

(D) As used in this section: 61843

(1) "Church" means a fellowship of believers, 61844
congregation, society, corporation, convention, or association 61845
that is formed primarily or exclusively for religious purposes 61846
and that is not formed for the private profit of any person. 61847

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code. 61848
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(3) "Qualifying joint use agreement" means an agreement that satisfies all of the following: 61850
61851

(a) The agreement was entered into before June 30, 2004; 61852

(b) The agreement is between a state university and an organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended; and 61853
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(c) The state university that is a party to the agreement reported to the ~~Ohio board~~ chancellor of regents ~~higher~~ education that the university maintained a headcount of at least twenty-five thousand students on its main campus during the academic school year that began in calendar year 2003 and ended in calendar year 2004. 61857
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Sec. 5709.92. (A) As used in this section: 61863

(1) "School district" means a city, local, or exempted village school district. 61864
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(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code. 61866
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(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(3)(a) of this section. 61872
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(a) The state education aid for fiscal year 2015; 61875

(b) The sum of the payments received in fiscal year 2015 61876
for current expense levy losses under division (C) (3) of section 61877
5727.85 and division (C) (12) of section 5751.21 of the Revised 61878
Code, as they existed at that time, excluding the portion of 61879
such payments attributable to levies for joint vocational school 61880
district purposes; 61881

(c) The sum of fixed-sum levy loss payments received by 61882
the school district in fiscal year 2015 under division (F) (1) of 61883
section 5727.85 and division (E) (1) of section 5751.21 of the 61884
Revised Code, as they existed at that time, for fixed-sum levies 61885
charged and payable for a purpose other than paying debt 61886
charges; 61887

(d) The district's taxes charged and payable against all 61888
property on the tax list of real and public utility property for 61889
current expense purposes for tax year 2014, including taxes 61890
charged and payable from emergency levies charged and payable 61891
under sections 5705.194 to 5705.197 of the Revised Code, 61892
excluding taxes levied for joint vocational school district 61893
purposes or levied under section 5705.23 of the Revised Code; 61894

(e) The amount certified for fiscal year 2015 under 61895
division (A) (2) of section 3317.08 of the Revised Code; 61896

(f) Distributions received during calendar year 2014 from 61897
taxes levied under section 718.09 of the Revised Code; 61898

(g) Distributions received during fiscal year 2015 from 61899
the gross casino revenue county student fund. 61900

(4) (a) "State education aid" for a school district means 61901
the sum of state amounts computed for the district under 61902
sections 3317.022 and 3317.0212 of the Revised Code after any 61903
amounts are added or subtracted under Section 263.240 of Am. 61904

Sub. H.B.59 of the 130th general assembly, entitled	61905
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS."	61906
	61907
(b) "State education aid" for a joint vocational district	61908
means the amount computed for the district under section 3317.16	61909
of the Revised Code after any amounts are added or subtracted	61910
under Section 263.250 of Am. Sub. H.B.59 of the 130th general	61911
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."	61912
	61913
(5) "Taxes charged and payable" means taxes charged and	61914
payable after the reduction required by section 319.301 of the	61915
Revised Code but before the reductions required by sections	61916
319.302 and 323.152 of the Revised Code.	61917
(6) "Capacity quintile" means the capacity measure	61918
quintiles determined under division (B) of this section.	61919
(7) "Threshold per cent" means the following:	61920
(a) For a school district in the lowest capacity quintile,	61921
one per cent for fiscal year 2016 and two per cent for fiscal	61922
year 2017.	61923
(b) For a school district in the second lowest capacity	61924
quintile, one and one-fourth per cent for fiscal year 2016 and	61925
two and one-half per cent for fiscal year 2017.	61926
(c) For a school district in the third lowest capacity	61927
quintile, one and one-half per cent for fiscal year 2016 and	61928
three per cent for fiscal year 2017.	61929
(d) For a school district in the second highest capacity	61930
quintile, one and three-fourths per cent for fiscal year 2016	61931
and three and one-half per cent for fiscal year 2017.	61932

(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016 and four per cent for fiscal year 2017. 61933
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(f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017. 61936
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(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C) (3) of section 5727.85 and division (C) (12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C) (3) (b) of this section. 61938
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(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities. 61945
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(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes. 61955
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(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of 61959
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the Revised Code, excluding levy losses for debt purposes. 61962

(12) "TPP fixed-sum debt levy losses" means the sum of 61963
payments received by a school district in fiscal year 2015 for 61964
levy losses under division (E) of section 5751.21 of the Revised 61965
Code for debt purposes. 61966

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of 61967
payments received by the school district in fiscal year 2015 for 61968
levy losses under division (H) of section 5727.84 of the Revised 61969
Code for debt purposes. 61970

(14) "Qualifying levies" means qualifying levies described 61971
in section 5751.20 of the Revised Code as that section was in 61972
effect before July 1, 2015. 61973

(15) "Total taxable value" has the same meaning as in 61974
section 3317.02 of the Revised Code. 61975

(B) The department of education and workforce shall rank 61976
all school districts in the order of districts' capacity 61977
measures determined under former section 3317.018 of the Revised 61978
Code from lowest to highest, and divide such ranking into 61979
quintiles, with the first quintile containing the twenty per 61980
cent of school districts having the lowest capacity measure and 61981
the fifth quintile containing the twenty per cent of school 61982
districts having the highest capacity measure. This calculation 61983
and ranking shall be performed once, in fiscal year 2016. 61984

(C) (1) In fiscal year 2016, payments shall be made to 61985
school districts and joint vocational school districts equal to 61986
the sum of the amounts described in divisions (C) (1) (a) or (b) 61987
and (C) (1) (c) of this section. In fiscal year 2017, payments 61988
shall be made to school districts and joint vocational school 61989
districts equal to the amount described in division (C) (1) (a) or 61990

(b) of this section. 61991

(a) If the ratio of the current expense allocation to 61992
total resources is equal to or less than the district's 61993
threshold percent, zero; 61994

(b) If the ratio of the current expense allocation to 61995
total resources is greater than the district's threshold per 61996
cent, the difference between the current expense allocation and 61997
the product of the threshold percentage and total resources; 61998

(c) For fiscal year 2016, the product of the non-current 61999
expense allocation multiplied by fifty per cent. 62000

(2) In fiscal year 2018 and subsequent fiscal years, 62001
payments shall be made to school districts and joint vocational 62002
school districts equal to the difference obtained by subtracting 62003
the amount described in division (C) (2) (b) of this section from 62004
the amount described in division (C) (2) (a) of this section, 62005
provided that such amount is greater than zero. 62006

(a) The sum of the payments received by the district under 62007
division (C) (1) (b) or (C) (2) of this section for the immediately 62008
preceding fiscal year; 62009

(b) One-sixteenth of one per cent of the average of the 62010
total taxable value of the district for tax years 2014, 2015, 62011
and 2016. 62012

(3) (a) "Total resources" used to compute payments under 62013
division (C) (1) of this section shall be reduced to the extent 62014
that payments distributed in fiscal year 2015 were attributable 62015
to levies no longer charged and payable for tax year 2014. 62016

(b) "Current expense allocation" used to compute payments 62017
under division (C) (1) of this section shall be reduced to the 62018

extent that the payments distributed in fiscal year 2015 were 62019
attributable to levies no longer charged and payable for tax 62020
year 2014. 62021

(4) The department of education and workforce shall report 62022
to each school district and joint vocational school district the 62023
apportionment of the payments under division (C) (1) of this 62024
section among the district's funds based on qualifying levies. 62025

(D) (1) Payments in the following amounts shall be made to 62026
school districts and joint vocational school districts in tax 62027
years 2016 through 2021: 62028

(a) In tax year 2016, the sum of the district's operating 62029
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 62030
losses. 62031

(b) In tax year 2017, the sum of the district's operating 62032
TPP fixed-sum levy losses and eighty per cent of operating S.B. 62033
3 fixed-sum levy losses. 62034

(c) In tax year 2018, the sum of eighty per cent of the 62035
district's operating TPP fixed-sum levy losses and sixty per 62036
cent of its operating S.B. 3 fixed-sum levy losses. 62037

(d) In tax year 2019, the sum of sixty per cent of the 62038
district's operating TPP fixed-sum levy losses and forty per 62039
cent of its operating S.B. 3 fixed-sum levy losses. 62040

(e) In tax year 2020, the sum of forty per cent of the 62041
district's operating TPP fixed-sum levy losses and twenty per 62042
cent of its operating S.B. 3 fixed-sum levy losses. 62043

(f) In tax year 2021, twenty per cent of the district's 62044
operating TPP fixed-sum levy losses. 62045

No payment shall be made under division (D) (1) of this 62046

section after tax year 2021. 62047

(2) Amounts are payable under division (D) of this section 62048
for fixed-sum levy losses only to the extent of such losses for 62049
qualifying levies that remain in effect for the current tax 62050
year. For this purpose, a qualifying levy levied under section 62051
5705.194 or 5705.213 of the Revised Code remains in effect for 62052
the current tax year only if a tax levied under either of those 62053
sections is charged and payable for the current tax year for an 62054
annual sum at least equal to the annual sum levied by the board 62055
of education for tax year 2004 under those sections less the 62056
amount of the payment under this division. 62057

(E) (1) For fixed-sum levies for debt purposes, payments 62058
shall be made to school districts and joint vocational school 62059
districts equal to one hundred per cent of the district's fixed- 62060
sum levy loss determined under division (E) of section 5751.20 62061
and division (H) of section 5727.84 of the Revised Code as in 62062
effect before July 1, 2015, and paid in tax year 2014. No 62063
payment shall be made for qualifying levies that are no longer 62064
charged and payable. 62065

(2) Beginning in 2016, by the thirty-first day of January 62066
of each year, the tax commissioner shall review the calculation 62067
of fixed-sum levy loss for debt purposes determined under 62068
division (E) of section 5751.20 and division (H) of section 62069
5727.84 of the Revised Code as in effect before July 1, 2015. If 62070
the commissioner determines that a fixed-sum levy that had been 62071
scheduled to be reimbursed in the current year is no longer 62072
charged and payable, a revised calculation for that year and all 62073
subsequent years shall be made. 62074

(F) (1) For taxes levied within the ten-mill limitation for 62075
debt purposes in tax year 1998 in the case of electric company 62076

tax value losses, and in tax year 1999 in the case of natural 62077
gas company tax value losses, payments shall be made to school 62078
districts and joint vocational school districts equal to one 62079
hundred per cent of the loss computed under division (D) of 62080
section 5727.85 of the Revised Code as in effect before July 1, 62081
2015, as if the tax were a fixed-rate levy, but those payments 62082
shall extend through fiscal year 2016. 62083

(2) For taxes levied within the ten-mill limitation for 62084
debt purposes in tax year 2005, payments shall be made to school 62085
districts and joint vocational school districts equal to one 62086
hundred per cent of the loss computed under division (D) of 62087
section 5751.21 of the Revised Code as in effect before July 1, 62088
2015, as if the tax were a fixed-rate levy, but those payments 62089
shall extend through fiscal year 2018. 62090

(G) If all the territory of a school district or joint 62091
vocational school district is merged with another district, or 62092
if a part of the territory of a school district or joint 62093
vocational school district is transferred to an existing or 62094
newly created district, the department of education and 62095
workforce, in consultation with the tax commissioner, shall 62096
adjust the payments made under this section as follows: 62097

(1) For a merger of two or more districts, fixed-sum levy 62098
losses, total resources, current expense allocation, and non- 62099
current expense allocation of the successor district shall be 62100
the sum of such items for each of the districts involved in the 62101
merger. 62102

(2) If property is transferred from one district to a 62103
previously existing district, the amount of the total resources, 62104
current expense allocation, and non-current expense allocation 62105
that shall be transferred to the recipient district shall be an 62106

amount equal to the total resources, current expense allocation, 62107
and non-current expense allocation of the transferor district 62108
times a fraction, the numerator of which is the number of pupils 62109
being transferred to the recipient district, measured, in the 62110
case of a school district, by formula ADM as defined in section 62111
3317.02 of the Revised Code or, in the case of a joint vocational 62112
school district, by formula ADM as defined for a joint 62113
vocational school district in that section, and the denominator 62114
of which is the formula ADM of the transferor district. 62115

(3) After December 31, 2010, if property is transferred 62116
from one or more districts to a district that is newly created 62117
out of the transferred property, the newly created district 62118
shall be deemed not to have any total resources, current expense 62119
allocation, total allocation, or non-current expense allocation. 62120

(4) If the recipient district under division (G) (2) of 62121
this section or the newly created district under division (G) (3) 62122
of this section is assuming debt from one or more of the 62123
districts from which the property was transferred and any of the 62124
districts losing the property had fixed-sum levy losses, the 62125
department of education and workforce, in consultation with the 62126
tax commissioner, shall make an equitable division of the 62127
reimbursements for those losses. 62128

(H) The payments required by divisions (C), (D), (E), (F), 62129
and (I) of this section shall be distributed periodically to 62130
each school and joint vocational school district by the 62131
department of education and workforce unless otherwise provided 62132
for. Except as provided in division (D) of this section, if a 62133
levy that is a qualifying levy is not charged and payable in any 62134
year after 2014, payments to the school district or joint 62135
vocational school district shall be reduced to the extent that 62136

the payments distributed in fiscal year 2015 were attributable 62137
to the levy loss of that levy. 62138

(I) For fiscal years 2022 through 2026, if the total 62139
amount to be received under divisions (C) and (E) of this 62140
section by any school district that has a nuclear power plant 62141
located within its territory is less than the amount the 62142
district received under this section in fiscal year 2017, the 62143
district shall receive a supplemental payment equal to the 62144
difference between the amount to be received under those 62145
divisions for the fiscal year and the amount received under this 62146
section in fiscal year 2017. 62147

Sec. 5715.26. (A) (1) Upon receiving the statement required 62148
by section 5715.25 of the Revised Code, the county auditor shall 62149
forthwith add to or deduct from each tract, lot, or parcel of 62150
real property or class of real property the required percentage 62151
or amount of the valuation thereof, adding or deducting any sum 62152
less than five dollars so that the value of any separate tract, 62153
lot, or parcel of real property shall be ten dollars or some 62154
multiple thereof. 62155

(2) After making the additions or deductions required by 62156
this section, the auditor shall transmit to the tax commissioner 62157
the appropriate adjusted abstract of the real property of each 62158
taxing district in the auditor's county in which an adjustment 62159
was required. 62160

(3) If the commissioner increases or decreases the 62161
aggregate value of the real property or any class thereof in any 62162
county or taxing district thereof and does not receive within 62163
ninety days thereafter an adjusted abstract conforming to its 62164
statement for such county or taxing district therein, the 62165
commissioner shall withhold from such county or taxing district 62166

therein fifty per cent of its share in the distribution of state 62167
revenues to local governments pursuant to sections 5747.50 to 62168
5747.55 of the Revised Code and shall direct the department of 62169
education and workforce to withhold therefrom fifty per cent of 62170
state revenues to school districts pursuant to Chapter 3317. of 62171
the Revised Code. The commissioner shall withhold the 62172
distribution of such funds until such county auditor has 62173
complied with this division, and the department shall withhold 62174
the distribution of such funds until the commissioner has 62175
notified the department that such county auditor has complied 62176
with this division. 62177

(B) (1) If the commissioner's determination is appealed 62178
under section 5715.251 of the Revised Code, the county auditor, 62179
treasurer, and all other officers shall forthwith proceed with 62180
the levy and collection of the current year's taxes in the 62181
manner prescribed by law. The taxes shall be determined and 62182
collected as if the commissioner had determined under section 62183
5715.24 of the Revised Code that the real property and the 62184
various classes thereof in the county as shown in the auditor's 62185
abstract were assessed for taxation and the true and 62186
agricultural use values were recorded on the agricultural land 62187
tax list as required by law. 62188

(2) If as a result of the appeal to the board it is 62189
finally determined either that all real property and the various 62190
classes thereof have not been assessed as required by law or 62191
that the values set forth in the agricultural land tax list do 62192
not correctly reflect the true and agricultural use values of 62193
the lands contained therein, the county auditor shall forthwith 62194
add to or deduct from each tract, lot, or parcel of real 62195
property or class of real property the required percentage or 62196
amount of the valuation in accordance with the order of the 62197

board or judgment of the court to which the board's order was 62198
appealed, and the taxes on each tract, lot, or parcel and the 62199
percentages required by section 319.301 of the Revised Code 62200
shall be recomputed using the valuation as finally determined. 62201
The order or judgment making the final determination shall 62202
prescribe the time and manner for collecting, crediting, or 62203
refunding the resultant increases or decreases in taxes. 62204

Sec. 5715.34. (A) When a reassessment of all real 62205
property, or any class of property, situated in the county, 62206
township, municipal corporation, or other taxing district is 62207
ordered by the tax commissioner, the county auditor, within 62208
sixty days of the receipt of such order, shall commence the 62209
reassessment in the manner provided by law and by rules 62210
prescribed and issued by the commissioner. 62211

(B) If a county auditor determines to reassess all real 62212
property situated in the county prior to the time ~~he~~ the auditor 62213
is ordered to do so in compliance with section 5713.01 of the 62214
Revised Code and division (A) of this section, certifies to the 62215
tax commissioner that ~~he~~ the auditor has sufficient moneys 62216
available to do so, and requests the commissioner to order the 62217
reassessment at a date earlier than would otherwise be required, 62218
the commissioner shall issue an order to the auditor to do so. 62219
The auditor shall commence the reassessment in the manner 62220
provided by law and by rules adopted by the commissioner, within 62221
sixty days after receiving the order. 62222

(C) If the county auditor refuses, neglects, or fails to 62223
commence a reassessment within sixty days after receiving such 62224
order, or refuses, neglects, or fails to complete the 62225
reassessment within the time limit prescribed and set forth in 62226
such order, the tax commissioner shall withhold from such county 62227

its share in the distribution of state revenue to local 62228
government pursuant to section 5747.50 of the Revised Code and 62229
shall direct the department of education and workforce to 62230
withhold therefrom its share in the distribution of state 62231
revenue to school districts pursuant to Title XXXIII of the 62232
Revised Code. The commissioner shall withhold the distribution 62233
of such funds until such county auditor has complied with all 62234
the provisions of this section, and the department shall 62235
withhold the distribution of such funds until the commissioner 62236
has notified the department that such auditor has complied with 62237
all of the provisions of this section. 62238

Sec. 5747.057. (A) As used in this section: 62239

(1) "Eligible employee" means an employee who is nineteen 62240
years of age or younger and enrolled in a career-technical 62241
education program approved under section 3317.161 of the Revised 62242
Code. 62243

(2) "Eligible compensation" means compensation paid on and 62244
~~after the effective date of this section~~ March 23, 2022, from 62245
which the employer is required to deduct and withhold income tax 62246
under section 5747.06 of the Revised Code. 62247

(B) A nonrefundable credit is allowed against a taxpayer's 62248
aggregate tax liability under section 5747.02 of the Revised 62249
Code for a taxpayer that holds a tax credit certificate issued 62250
under this section. The credit equals the amount listed on the 62251
certificate and shall be claimed for the taxable year that 62252
includes the last day of the calendar year for which the 62253
certificate was issued. The credit shall be claimed in the order 62254
required under section 5747.98 of the Revised Code. 62255

(C) An employer that is a taxpayer or a pass-through 62256

entity and that employs an eligible employee in fulfillment of a 62257
work-based learning experience, internship, or cooperative 62258
education program associated with the career-technical education 62259
program in which the eligible employee is enrolled may apply to 62260
the department of education and workforce for a tax credit 62261
certificate. The application shall be made on forms prescribed 62262
by the department, in consultation with the tax commissioner, on 62263
or after the first day of January and on or before the first day 62264
of February of each year. The application shall include all of 62265
the following information for the calendar year preceding the 62266
year in which the application is made: 62267

(1) The amount of eligible compensation paid by the 62268
applicant to each of its eligible employees; 62269

(2) The name, birth date, and social security number of 62270
each eligible employee employed by the applicant; 62271

(3) The career-technical education program in which each 62272
eligible employee is enrolled; 62273

(4) A description of each eligible employee's duties as 62274
part of the employee's work-based learning experience, 62275
internship, or cooperative education program; 62276

(5) Any other information requested by the department. 62277

(D) (1) After determining that the applicant satisfies the 62278
conditions described in division (C) of this section, the 62279
department of education and workforce shall issue, within sixty 62280
days after the receipt of a complete application under that 62281
division, a tax credit certificate to the applicant equal to the 62282
lesser of (a) fifteen per cent of the eligible compensation paid 62283
by the applicant to all eligible employees during the calendar 62284
year or (b) five thousand dollars per eligible employee, in 62285

either case subject to the limitations in division (D) (2) of 62286
this section. 62287

(2) If the applicant pays eligible compensation to an 62288
employee who ceases to qualify as an eligible employee during 62289
the calendar year, only the eligible compensation paid to the 62290
employee while the employee qualified as an eligible employee 62291
may be used to calculate the credit amount on a tax credit 62292
certificate issued under this section. The department shall not 62293
issue certificates in a total amount that would cause the tax 62294
credits claimed in any fiscal biennium to exceed five million 62295
dollars. 62296

(3) Each tax credit certificate issued under this section 62297
shall include a unique identification number and shall state the 62298
amount of tax credit that may be claimed. A taxpayer claiming 62299
the credit allowed under this section shall submit a copy of the 62300
certificate with the taxpayer's return or report. 62301

(E) If a tax credit certificate is issued to a pass- 62302
through entity under this section, any taxpayer that is a direct 62303
or indirect investor in the pass-through entity on the last day 62304
of the entity's taxable year ending in the calendar year for 62305
which the certificate was issued may claim the taxpayer's 62306
distributive or proportionate share of the credit against the 62307
taxpayer's aggregate tax liability under section 5747.02 of the 62308
Revised Code. 62309

(F) For the purpose of issuing tax credit certificates 62310
under this section, the department of education and workforce 62311
may request from any of the following entities the data 62312
verification code assigned under division (D) (2) of section 62313
3301.0714 of the Revised Code to any student who is included on 62314
an application made pursuant to division (C) of this section as 62315

an eligible employee: 62316

(1) The student's resident district; 62317

(2) The district or school offering the career-technical 62318
education program in which the student is enrolled; 62319

(3) The independent contractor engaged to create and 62320
maintain student data verification codes. 62321

The department may not release a data verification code 62322
received under this division to any person except as authorized 62323
by law. Any document related to the tax credit authorized under 62324
this section that the department maintains in its files that 62325
contains both a student's name or other personally identifiable 62326
information and the student's data verification code is not a 62327
public record as defined in section 149.43 of the Revised Code. 62328

Sec. 5747.72. (A) As used in this section: 62329

(1) "Qualifying taxpayer" means a taxpayer that is an 62330
individual with a dependent who is a qualifying student. 62331

(2) "Qualifying student" means a student who ~~was excused~~ 62332
is exempt from the compulsory attendance law for the purpose of 62333
home ~~instruction-education~~ under section ~~3321.04~~3321.042 of the 62334
Revised Code for the school year. 62335

(3) "Education expenses" means expenses or fees for any of 62336
the following items used directly for home ~~instruction-education~~ 62337
of a qualifying student: books, supplementary materials, 62338
supplies, computer software, applications, or subscriptions. 62339
"Education expenses" does not include expenses or fees for 62340
computers or similar electronic devices or accessories thereto. 62341

(B) There is hereby allowed a nonrefundable credit against 62342
a qualifying taxpayer's aggregate tax liability under section 62343

5747.02 of the Revised Code equal to the lesser of two hundred 62344
fifty dollars or the amount of education expenses incurred by 62345
the taxpayer in the taxable year for the benefit of one or more 62346
of the taxpayer's qualifying students. The credit shall be 62347
claimed in the order required under section 5747.98 of the 62348
Revised Code. 62349

The tax commissioner may request that a qualifying 62350
taxpayer claiming a credit under this section furnish 62351
information as is necessary to support the claim for the credit 62352
under this section, and no credit shall be allowed unless the 62353
requested information is provided. 62354

Sec. 5753.11. (A) As used in this section: 62355

(1) "Public school district" means any city, local, 62356
exempted village, or joint vocational school district, community 62357
school established under Chapter 3314. of the Revised Code, STEM 62358
school established under Chapter 3326. of the Revised Code, or 62359
college-preparatory boarding school established under Chapter 62360
3328. of the Revised Code. "Public school district" does not 62361
include any STEM school operated under section 3326.51 of the 62362
Revised Code. 62363

(2) "Student population" means the number of students 62364
residing in a county who are enrolled in a public school 62365
district in grades kindergarten through twelve and the total 62366
number of preschool children with disabilities on the following 62367
dates: 62368

(a) For the January distribution, the Friday of the first 62369
full school week in October; 62370

(b) For the August distribution, the Friday of the first 62371
full school week in May. 62372

(B) For the purpose of calculating student population, 62373
each public school district shall, twice annually, report to the 62374
department of education and workforce the students enrolled in 62375
the district on the days specified in division (A) (2) of this 62376
section. A student shall be considered to be enrolled in a 62377
public school district if the student is participating in 62378
education programs of the public school district and the public 62379
school district has not: 62380

(1) Received documentation from a parent terminating 62381
enrollment of the student; 62382

(2) Been provided documentation of a student's enrollment 62383
in another public or private school; or 62384

(3) Ceased to offer education to the student. 62385

If more than one public school district reports a student 62386
as enrolled, the department shall use procedures adopted by the 62387
department for the reconciliation of enrollment to determine the 62388
district of enrollment for purposes of this section. In the case 62389
of the dual enrollment of a student in a joint vocational school 62390
district and another public school district, the student shall 62391
be included in the enrollments for both schools. If the valid 62392
school district or enrollment cannot be determined in time for 62393
the certification, the count of these students shall be divided 62394
equally between the reporting districts. 62395

(C) The department of education and workforce shall 62396
certify to the department of taxation the student population for 62397
each county and the student population for each public school 62398
district located in whole or in part in the county on or before 62399
the thirtieth day of December, for the January distribution and 62400
on or before the thirtieth day of July, for the August 62401

distribution. A student shall be included in the school district enrollment for a county only if a student resides in that county. The location of each community school shall be the enrollment area required to be defined by the community school and its sponsor in accordance with division (A)(19) of section 3314.03 of the Revised Code, the location of each STEM school shall be any county in which its enrolled students reside, and the location of the college-preparatory boarding schools shall be the territory of the school district in which the college-preparatory school is located or the territory of any city, exempted village, or local school district that has agreed to be a participating district under section 3328.04 of the Revised Code.

The student population count certified by the department of education and workforce to the department of taxation is final and shall not be adjusted by future updates to the counts.

(D) Not later than the thirty-first day of January and the thirty-first day of August of each year, the tax commissioner shall distribute funds in the gross casino revenue county student fund to public school districts. The commissioner shall calculate the amount of funds to distribute to each public school district as follows:

(1) The commissioner shall calculate the proportional share of the funds attributable to each county by dividing the total student population certified for each county by the sum of the total student population certified in all counties statewide.

(2) The commissioner shall multiply the amount in division (D)(1) of this section by the total amount of funds in the gross casino revenue county student fund to obtain the share of funds

for each county. 62432

(3) The commissioner shall multiply the amount in division 62433
(D) (2) of this section by the quotient of the student population 62434
certified for each individual district located in the county 62435
divided by the sum of the student population certified for all 62436
public school districts located in the county. 62437

The commissioner shall distribute to each public school 62438
district the amount so calculated for each district. 62439

Sec. 6109.21. (A) Except as provided in divisions (I) and 62440
(J) of this section, no person shall operate a public water 62441
system in this state without a license issued by the director of 62442
environmental protection. 62443

(B) A person who proposes to operate a new public water 62444
system, in addition to complying with section 6109.07 of the 62445
Revised Code and rules adopted under it, shall obtain an initial 62446
license from the director. The person shall submit an 62447
application for the initial license at least forty-five days 62448
prior to commencing the operation of the system. 62449

(C) A license shall expire on the thirtieth day of January 62450
in the year following its issuance. 62451

(D) A license shall be renewed annually. A person 62452
proposing to continue operating a public water system shall 62453
apply for a license renewal at least thirty days prior to the 62454
expiration date of the license. 62455

(E) Each application for a license or license renewal 62456
shall be accompanied by the appropriate fee established under 62457
division (M) of section 3745.11 of the Revised Code. However, an 62458
applicant for an initial license who is proposing to operate a 62459
new public water system shall submit a fee that equals a 62460

prorated amount of the appropriate fee established under that 62461
division for the remainder of the licensing year. 62462

(F) Not later than thirty days after receiving a completed 62463
application and the appropriate license fee for a license or 62464
license renewal for a public water system, the director shall do 62465
one of the following: 62466

(1) Issue the license or license renewal for the public 62467
water system; 62468

(2) Issue the license or license renewal subject to terms 62469
and conditions that the director determines are necessary to 62470
ensure compliance with this chapter and rules adopted under it; 62471

(3) Deny the license or license renewal if the director 62472
finds that the public water system cannot be operated in 62473
substantial compliance with this chapter and rules adopted under 62474
it. 62475

(G) The director may condition, suspend, or revoke a 62476
license or license renewal issued under this section at any time 62477
if the director finds that the public water system was not or 62478
will not be operated in substantial compliance with this chapter 62479
and rules adopted under it. 62480

(H) The director shall adopt rules in accordance with 62481
Chapter 119. of the Revised Code establishing procedures and 62482
requirements governing both of the following: 62483

(1) Information to be included on applications for 62484
licenses and license renewals issued under this section; 62485

(2) The issuance, conditioning, suspension, revocation, 62486
and denial of licenses and license renewals under this section. 62487

(I) (1) As used in division (I) of this section, "church" 62488

means a fellowship of believers, congregation, society, 62489
corporation, convention, or association that is formed primarily 62490
or exclusively for religious purposes and that is not formed or 62491
operated for the private profit of any person. 62492

(2) This section does not apply to a church that operates 62493
or maintains a public water system solely to provide water for 62494
that church or for a campground that is owned by the church and 62495
operated primarily or exclusively for members of the church and 62496
their families. 62497

(J) This section does not apply to any public or nonpublic 62498
school that meets minimum standards of the ~~state board~~ director 62499
of education and workforce that operates or maintains a public 62500
water system solely to provide water for that school. 62501

(K) The environmental protection agency shall collect well 62502
log filing fees on behalf of the division of water resources in 62503
the department of natural resources in accordance with section 62504
1521.05 of the Revised Code and rules adopted under it. The fees 62505
shall be submitted to the division quarterly as provided in 62506
those rules. 62507

Sec. 6301.04. (A) The governor shall establish a state 62508
board. The state board shall consist of the following members: 62509

(1) The governor; 62510

(2) Two members of the house of representatives, appointed 62511
by the speaker of the house of representatives; 62512

(3) Two members of the senate, appointed by the president 62513
of the senate; 62514

(4) Members required under section 101(b)(1)(C) of the 62515
Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1) 62516

(C) ;	62517
(5) <u>The deputy director of primary and secondary education and the deputy director of career-technical education appointed under section 3301.13 of the Revised Code;</u>	62518 62519 62520
<u>(6) Any additional members appointed by the governor.</u>	62521
(B) The governor shall appoint members to the board, who serve at the governor's pleasure, to perform duties under the Workforce Innovation and Opportunity Act, as authorized by the governor.	62522 62523 62524 62525
(C) The board is not subject to sections 101.82 to 101.87 of the Revised Code.	62526 62527
(D) All state agencies engaged in workforce development activities shall assist the board in the performance of its duties.	62528 62529 62530
(E) The board shall have the power and authority to do all of the following:	62531 62532
(1) Develop, implement, and modify the state workforce development plan;	62533 62534
(2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;	62535 62536 62537 62538
(3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures;	62539 62540 62541 62542 62543

(4) Continue to identify and disseminate information on promising practices in the area of workforce development; 62544
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(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor. 62546
62547
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Sec. 6301.11. (A) As used in this section, "public or private institution" means any of the following: 62549
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(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 62551
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(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 62553
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62555

(3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher education. 62556
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(B) The state board, in connection with the department of job and family services, the department of education and workforce, and public or private institutions, shall develop a methodology for identifying jobs that are in demand by employers operating in this state. The methodology for identifying in-demand jobs shall include an analysis of both of the following: 62559
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(1) Jobs that are in demand in each region of the state, as determined by the director of job and family services; 62565
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(2) Jobs that pay a wage rate that is equal to or greater than one hundred twenty-five per cent of the wage rate established under section 6 of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206, as amended, or its successor law. 62567
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(C) The department of job and family services, the 62572
department of education and workforce, and the public or private 62573
institutions, in consultation with the state board, shall use 62574
the methodology to create a list of such in-demand jobs in the 62575
state and a list of such in-demand jobs in each region of the 62576
state. The department of job and family services and the 62577
department of education and workforce shall publish the lists on 62578
the web ~~site~~ sites of the each department. The ~~department~~ 62579
departments and public or private institutions shall 62580
periodically update the lists to reflect evolving workforce 62581
demands in this state and its regions. 62582

(D) Local boards and other providers of workforce training 62583
shall use the lists of in-demand jobs to cultivate and 62584
prioritize workforce development activities that correspond to 62585
the employment needs of employers operating in this state and in 62586
each of its regions and to assist individuals in maximizing 62587
their employment opportunities. 62588

Sec. 6301.111. The governor's office of workforce 62589
transformation, in conjunction with the department of job and 62590
family services and the department of education and workforce, 62591
shall conduct an electronic survey of employers in this state to 62592
identify jobs that are in demand by those employers. The office, 62593
in conjunction with the ~~department~~ departments, shall use the 62594
survey results to update the list of in-demand jobs required 62595
under section 6301.11 of the Revised Code, notwithstanding the 62596
requirement in that section that the ~~department~~ departments and 62597
public or private institutions, as defined in that section, 62598
periodically update that list. The office shall complete the 62599
initial survey and make the update required under this section 62600
not later than December 31, 2018. The office shall complete a 62601
subsequent survey and update not later than the last day of 62602

December every two years thereafter. 62603

Sec. 6301.112. (A) The governor's office of workforce 62604
transformation, in collaboration with the departments of higher 62605
education ~~and, job and family services, and education and~~ 62606
workforce, shall create and publish on the OhioMeansJobs web 62607
site a workforce supply tool that uses real-time demand and 62608
supply data. The office shall provide all of the following 62609
through the tool: 62610

(1) Businesses with historical information on graduates 62611
from high demand fields; 62612

(2) Businesses with projections on future graduates; 62613

(3) The number of skilled workers available for work in 62614
occupations included in the list of in-demand jobs created under 62615
section 6301.11 of the Revised Code. 62616

(B) ~~Not later than January 1, 2018, the~~ The governor's 62617
office of workforce transformation, in collaboration with the 62618
departments of higher education ~~and, job and family services, _~~ 62619
and education and workforce, shall include in the workforce 62620
supply tool created under division (A) of this section all in- 62621
demand jobs included in the list of in-demand jobs created under 62622
section 6301.11 of the Revised Code. 62623

(C) ~~Not later than December 31, 2018, the~~ The governor's 62624
office of workforce transformation, in collaboration with the 62625
~~departments~~ department of higher education and the department of 62626
education and workforce, shall establish design teams. The 62627
design teams shall do both of the following: 62628

(1) Identify emerging skill needs based on predictive 62629
analytics and analysis of the data from the workforce supply 62630
tool created under division (A) of this section; 62631

(2) Periodically recommend innovations for responding to 62632
emerging in-demand jobs and skills. 62633

Sec. 6301.15. ~~Not later than September 1, 2014, the~~ The 62634
director of job and family services, in consultation with ~~the~~ 62635
~~superintendent of public instruction and the director of the~~ 62636
governor's office of workforce transformation and the director 62637
of education and workforce, shall develop and maintain an online 62638
education and career planning tool to assist students in 62639
developing education and career plans. ~~The director of job and~~ 62640
~~family services also shall provide information regarding the~~ 62641
~~online planning tool and all appropriate web site links,~~ 62642
~~including a link to the OhioMeansJobs web site, to the~~ 62643
~~department of education not later than that date.~~ The director 62644
of job and family services shall periodically update the online 62645
education and career planning tool and other information as 62646
determined necessary by the director and shall provide the 62647
updates to the department of education and workforce. 62648

The department of education and workforce shall post the 62649
information ~~received from the director of job and family~~ 62650
~~services developed~~ under this section in a prominent location on 62651
the department's web site. 62652

Sec. 6301.21. (A) ~~Not later than December 31, 2017, the~~ 62653
~~The~~ governor's office of workforce transformation, the 62654
department of education and workforce, and the chancellor of 62655
higher education, in consultation with business and economic 62656
development stakeholder groups, shall develop a regional 62657
workforce collaboration model. The model shall provide guidance 62658
on how the JobsOhio regional network, local chambers of 62659
commerce, economic development organizations, business, business 62660
associations, secondary and post-secondary education 62661

organizations, and Ohio college tech prep regional centers, that 62662
are jointly managed by the department of education and workforce 62663
and the chancellor, shall collaborate to form a partnership that 62664
provides career services to students. 62665

Career services to students may include, but are not 62666
limited to, job shadowing, internships, co-ops, apprenticeships, 62667
career exploration activities, and problem-based curriculum 62668
developed in alignment with in-demand jobs. 62669

(B) The governor's office of workforce transformation 62670
shall oversee the creation of regional workforce collaboration 62671
partnerships based on the model created under division (A) of 62672
this section. The partnerships shall be located in each of the 62673
six different regions of the state, as determined by JobsOhio. 62674

(C) As used in this section, "JobsOhio" has the same 62675
meaning as in section 187.01 of the Revised Code. 62676

Sec. 6301.22. (A) With regard to industry-recognized 62677
credentials and certificate programs, the governor's office of 62678
workforce transformation shall act as a liaison between the 62679
business community and the department of education and workforce 62680
or the chancellor of higher education. In acting as a liaison, 62681
the governor's office of workforce transformation shall accept 62682
inquiries from the business community regarding all of the 62683
following: 62684

(1) Industry-recognized credentials approved under section 62685
3313.6113 of the Revised Code; 62686

(2) Certificate programs and industry-recognized 62687
credentials included in the inventory prescribed under section 62688
3333.94 of the Revised Code; 62689

(3) Any other existing or proposed credential or 62690

certificate program necessary to meet the workforce needs of the state, as determined by the office. 62691
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(B) Based on inquiries submitted under division (A) of this section, the governor's office of workforce transformation shall do either of the following: 62693
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62695

(1) Request information from the department of education_ and workforce regarding industry-recognized credentials approved under section 3313.6113 of the Revised Code; 62696
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(2) Request information from the chancellor regarding certificate programs and industry-recognized credentials included in the inventory prescribed under section 3333.94 of the Revised Code or offered by an institution that holds a certificate of authorization issued under Chapter 1713. of the Revised Code. 62699
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(C) Based on inquiries submitted under division (A) of this section, the governor's office of workforce transformation, in collaboration with the department of education_ and workforce, the chancellor, and other stakeholders, including regional education providers, determined appropriate by the office, shall convene a review of an existing or proposed industry-recognized credential or certificate program. The office shall submit the findings of the department of education_ and workforce or the chancellor, as appropriate, to the business that submitted the inquiry for which the review was initiated. 62705
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(D) Nothing in this section shall affect the responsibilities assigned under division (B) of section 3313.6113 of the Revised Code to the committee established under division (A) of that section or the responsibilities assigned to the chancellor under division (B) of section 3333.94 of the 62715
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Revised Code. 62720

Sec. 6301.23. (A) As used in this section: 62721

(1) "Ohio career-technical associations" includes all of 62722
the following: 62723

(a) The Ohio association of career and technical 62724
education; 62725

(b) The Ohio association of career-technical 62726
superintendents; 62727

(c) The Ohio association of comprehensive and compact 62728
career-technical schools. 62729

(2) "Other public school" has the same meaning as in 62730
section 3301.0711 of the Revised Code. 62731

(3) "State agency" has the same meaning as in section 1.60 62732
of the Revised Code. 62733

(B) ~~Not later than July 1, 2021, the~~ The governor's office 62734
of workforce transformation, the department of education, and 62735
workforce, and the chancellor of higher education, in 62736
consultation with Ohio career-technical associations and other 62737
appropriate stakeholders, shall develop model guidance for 62738
maintaining a statewide inventory of industry-recognized 62739
credentials. The guidance shall address the following: 62740

(1) Methods for state agencies to efficiently and 62741
effectively organize the different categories of industry- 62742
recognized credentials in a manner that allows students, school 62743
districts, other public schools, chartered nonpublic schools, 62744
and institutions of higher education to easily understand 62745
available credentialing options, based on the unique 62746
circumstances of each individual student; 62747

(2) The potential creation of a centralized, inter-agency database of information on all industry-recognized credentials that is accessible to the public; 62748
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(3) Methods to streamline the process to add career-technical programs to the various approved credentialing lists; 62751
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(4) Methods to increase transparency in the approval process for industry-recognized credentials. 62753
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Section 2. That existing sections 5.224, 5.281, 9.231, 62755
9.55, 102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72, 62756
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5709.92, 5715.26, 5715.34, 5747.057, 5747.72, 5753.11, 6109.21, 62876
6301.04, 6301.11, 6301.111, 6301.112, 6301.15, 6301.21, 6301.22, 62877
and 6301.23 of the Revised Code are hereby repealed. 62878

Section 3. That sections 3301.13, 3302.101, and 3302.102 62879
of the Revised Code are hereby repealed. 62880

Section 4. That the versions of sections 921.06, 3301.071, 62881
3309.011, 3319.22, 3319.229, 3319.262, 3319.28, 3319.361, 62882
3327.10, 4709.07, 4709.10, 4732.10, 4735.09, and 4747.10 of the 62883
Revised Code that are scheduled to take effect December 29, 62884
2023, be amended to read as follows: 62885

Sec. 921.06. (A) (1) No individual shall do any of the 62886
following without having a commercial applicator license issued 62887
by the director of agriculture: 62888

(a) Apply pesticides for a pesticide business without 62889
direct supervision; 62890

(b) Apply pesticides as part of the individual's duties 62891
while acting as an employee of the United States government, a 62892
state, county, township, or municipal corporation, or a park 62893
district, port authority, or sanitary district created under 62894
Chapter 1545., 4582., or 6115. of the Revised Code, 62895
respectively; 62896

(c) Apply restricted use pesticides. Division (A) (1) (c) of 62897
this section does not apply to a private applicator or an 62898
immediate family member or a subordinate employee of a private 62899
applicator who is acting under the direct supervision of that 62900
private applicator. 62901

(d) If the individual is the owner of a business other 62902

than a pesticide business or an employee of such an owner, apply	62903
pesticides at any of the following publicly accessible sites	62904
that are located on the property:	62905
(i) Food service operations that are licensed under	62906
Chapter 3717. of the Revised Code;	62907
(ii) Retail food establishments that are licensed under	62908
Chapter 3717. of the Revised Code;	62909
(iii) Golf courses;	62910
(iv) Rental properties of more than four apartment units	62911
at one location;	62912
(v) Hospitals or medical facilities as defined in section	62913
3701.01 of the Revised Code;	62914
(vi) Child day-care centers or school child day-care	62915
centers as defined in section 5104.01 of the Revised Code;	62916
(vii) Facilities owned or operated by a school district	62917
established under Chapter 3311. of the Revised Code, including	62918
an educational service center, a community school established	62919
under Chapter 3314. of the Revised Code, or a chartered or	62920
nonchartered nonpublic school that meets minimum standards	62921
established by the state board <u>director of education and</u>	62922
<u>workforce</u> ;	62923
(viii) State institutions of higher education as defined	62924
in section 3345.011 of the Revised Code, nonprofit institutions	62925
holding a certificate of authorization pursuant to Chapter 1713.	62926
of the Revised Code, institutions holding a certificate of	62927
registration from the state board of career colleges and schools	62928
and program authorization for an associate or bachelor's degree	62929
program issued under section 3332.05 of the Revised Code, and	62930

private institutions exempt from regulation under Chapter 3332. 62931
of the Revised Code as prescribed in section 3333.046 of the 62932
Revised Code; 62933

(ix) Food processing establishments as defined in section 62934
3715.021 of the Revised Code; 62935

(x) Any other site designated by rule. 62936

(e) Conduct authorized diagnostic inspections. 62937

(2) Divisions (A) (1) (a) to (d) of this section do not 62938
apply to an individual who is acting as a trained serviceperson 62939
under the direct supervision of a commercial applicator. 62940

(3) Licenses shall be issued for a period of time 62941
established by rule and shall be renewed in accordance with 62942
deadlines established by rule. The fee for each such license 62943
shall be established by rule. If a license is not issued or 62944
renewed, the application fee shall be retained by the state as 62945
payment for the reasonable expense of processing the 62946
application. The director shall by rule classify by pesticide- 62947
use category licenses to be issued under this section. A single 62948
license may include more than one pesticide-use category. No 62949
individual shall be required to pay an additional license fee if 62950
the individual is licensed for more than one category. 62951

The fee for each license or renewal does not apply to an 62952
applicant who is an employee of the department of agriculture 62953
whose job duties require licensure as a commercial applicator as 62954
a condition of employment. 62955

(B) Application for a commercial applicator license shall 62956
be made on a form prescribed by the director. Each application 62957
for a license shall state the pesticide-use category or 62958
categories of license for which the applicant is applying and 62959

other information that the director determines essential to the 62960
administration of this chapter. 62961

(C) (1) Except as provided in division (C) (2) of this 62962
section, if the director finds that the applicant is competent 62963
to apply pesticides and conduct diagnostic inspections and that 62964
the applicant has passed both the general examination and each 62965
applicable pesticide-use category examination as required under 62966
division (A) of section 921.12 of the Revised Code, the director 62967
shall issue a commercial applicator license limited to the 62968
pesticide-use category or categories for which the applicant is 62969
found to be competent. If the director rejects an application, 62970
the director may explain why the application was rejected, 62971
describe the additional requirements necessary for the applicant 62972
to obtain a license, and return the application. The applicant 62973
may resubmit the application without payment of any additional 62974
fee. 62975

(2) The director shall issue a commercial applicator 62976
license in accordance with Chapter 4796. of the Revised Code to 62977
an individual if either of the following applies: 62978

(a) The individual holds a commercial applicator license 62979
in another state. 62980

(b) The individual has satisfactory work experience, a 62981
government certification, or a private certification as 62982
described in that chapter as a commercial applicator in a state 62983
that does not issue that license. 62984

A license issued under this division shall be limited to 62985
the pesticide-use category or categories for which the applicant 62986
is licensed in another state or has satisfactory work 62987
experience, a government certification, or a private 62988

certification in that state. 62989

(D) (1) A person who is a commercial applicator shall be 62990
deemed to hold a private applicator's license for purposes of 62991
applying pesticides on agricultural commodities that are 62992
produced by the commercial applicator. 62993

(2) A commercial applicator shall apply pesticides only in 62994
the pesticide-use category or categories in which the applicator 62995
is licensed under this chapter. 62996

(E) All money collected under this section shall be 62997
credited to the pesticide, fertilizer, and lime program fund 62998
created in section 921.22 of the Revised Code. 62999

Sec. 3301.071. (A) (1) Except as provided in division (E) 63000
of this section, in the case of nontax-supported schools, 63001
standards for teacher certification prescribed under section 63002
3301.07 of the Revised Code shall provide for certification, 63003
without further educational requirements, of any administrator, 63004
supervisor, or teacher who has attended and received a 63005
bachelor's degree from a college or university accredited by a 63006
national or regional association in the United States except 63007
that, at the discretion of the state board of education, this 63008
requirement may be met by having an equivalent degree from a 63009
foreign college or university of comparable standing. 63010

(2) Except as provided in division (E) of this section, in 63011
the case of nonchartered, nontax-supported schools, the 63012
standards for teacher certification prescribed under section 63013
3301.07 of the Revised Code shall provide for certification, 63014
without further educational requirements, of any administrator, 63015
supervisor, or teacher who has attended and received a diploma 63016
from a "bible college" or "bible institute" described in 63017

division (E) of section 1713.02 of the Revised Code. 63018

(3) A certificate issued under division (A) (3) of this 63019
section shall be valid only for teaching foreign language, 63020
music, religion, computer technology, or fine arts. 63021

Notwithstanding division (A) (1) of this section and except 63022
as provided in division (E) of this section, the standards for 63023
teacher certification prescribed under section 3301.07 of the 63024
Revised Code shall provide for certification of a person as a 63025
teacher upon receipt by the state board of an affidavit signed 63026
by the chief administrative officer of a chartered nonpublic 63027
school seeking to employ the person, stating that the person 63028
meets one of the following conditions: 63029

(a) The person has specialized knowledge, skills, or 63030
expertise that qualifies the person to provide instruction. 63031

(b) The person has provided to the chief administrative 63032
officer evidence of at least three years of teaching experience 63033
in a public or nonpublic school. 63034

(c) The person has provided to the chief administrative 63035
officer evidence of completion of a teacher training program 63036
named in the affidavit. 63037

(B) Each person applying for a certificate under this 63038
section for purposes of serving in a nonpublic school chartered 63039
by the ~~state board~~ director of education and workforce under 63040
section 3301.16 of the Revised Code shall pay a fee in the 63041
amount established under division (A) of section 3319.51 of the 63042
Revised Code. Any fees received under this division shall be 63043
paid into the state treasury to the credit of the state board of 63044
education certification fund established under division (B) of 63045
section 3319.51 of the Revised Code. 63046

(C) A person applying for or holding any certificate 63047
pursuant to this section for purposes of serving in a nonpublic 63048
school chartered by the ~~state board~~ director is subject to 63049
sections 3123.41 to 3123.50 of the Revised Code and any 63050
applicable rules adopted under section 3123.63 of the Revised 63051
Code and sections 3319.31 and 3319.311 of the Revised Code. 63052

(D) Divisions (B) and (C) of this section and sections 63053
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 63054
to any administrators, supervisors, or teachers in nonchartered, 63055
nontax-supported schools. 63056

(E) The state board shall issue a certificate to serve in 63057
a nonpublic school as an administrator, supervisor, or teacher 63058
in accordance with Chapter 4796. of the Revised Code to an 63059
applicant if either of the following applies: 63060

(1) The applicant holds a certificate in another state. 63061

(2) The applicant has satisfactory work experience, a 63062
government certification, or a private certification as 63063
described in that chapter as a nonpublic school administrator, 63064
supervisor, or teacher in a state that does not issue one or 63065
more of those certificates. 63066

Sec. 3309.011. "Employee" as defined in division (B) of 63067
section 3309.01 of the Revised Code, does not include any of the 63068
following: 63069

(A) Any person having a license or registration issued 63070
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 63071
employed in a public school in this state in an educational 63072
position, as determined by the ~~state board~~ department of 63073
education and workforce, under programs provided for by federal 63074
acts or regulations and financed in whole or in part from 63075

federal funds, but for which no licensure requirements for the 63076
position can be made under the provisions of such federal acts 63077
or regulations; 63078

(B) Any person who participates in an alternative 63079
retirement plan established under Chapter 3305. of the Revised 63080
Code; 63081

(C) Any person who elects to transfer from the school 63082
employees retirement system to the public employees retirement 63083
system under section 3309.312 of the Revised Code; 63084

(D) Any person whose full-time employment by the 63085
university of Akron as a state university law enforcement 63086
officer pursuant to section 3345.04 of the Revised Code 63087
commences on or after September 16, 1998; 63088

(E) Any person described in division (B) of section 63089
3309.013 of the Revised Code; 63090

(F) Any person described in division (D) of section 63091
145.011 of the Revised Code; 63092

(G) Any person described in division (B) (1) (b) or (g) of 63093
section 3307.01 of the Revised Code. 63094

Sec. 3319.22. (A) (1) The state board of education shall 63095
issue the following educator licenses: 63096

(a) A resident educator license, which shall be valid for 63097
two years and shall be renewable for reasons specified by rules 63098
adopted by the state board pursuant to division (A) (3) of this 63099
section. The state board, on a case-by-case basis, may extend 63100
the license's duration as necessary to enable the license holder 63101
to complete the Ohio teacher residency program established under 63102
section 3319.223 of the Revised Code; 63103

(b) A professional educator license, which shall be valid 63104
for five years and shall be renewable; 63105

(c) A senior professional educator license, which shall be 63106
valid for five years and shall be renewable; 63107

(d) A lead professional educator license, which shall be 63108
valid for five years and shall be renewable. 63109

Licenses issued under division (A) (1) of this section on 63110
and after November 2, 2018, shall specify whether the educator 63111
is licensed to teach grades pre-kindergarten through five, 63112
grades four through nine, or grades seven through twelve. The 63113
changes to the grade band specifications under this amendment 63114
shall not apply to a person who holds a license under division 63115
(A) (1) of this section prior to November 2, 2018. Further, the 63116
changes to the grade band specifications under this amendment 63117
shall not apply to any license issued to teach in the area of 63118
computer information science, bilingual education, dance, drama 63119
or theater, world language, health, library or media, music, 63120
physical education, teaching English to speakers of other 63121
languages, career-technical education, or visual arts or to any 63122
license issued to an intervention specialist, including a gifted 63123
intervention specialist, or to any other license that does not 63124
align to the grade band specifications. 63125

(2) (a) Except as provided in division (A) (2) (b) of this 63126
section, the state board may issue any additional educator 63127
licenses of categories, types, and levels the board elects to 63128
provide. 63129

(b) Not later than December 31, 2024, the state board 63130
shall cease licensing school psychologists. The state board 63131
shall coordinate with the state board of psychology to 63132

transition to licensure under Chapter 4732. of the Revised Code 63133
any school psychologists licensed under rules adopted in 63134
accordance with sections 3301.07 and 3319.22 of the Revised 63135
Code. 63136

(3) Except as provided in division (I) of this section, 63137
the state board shall adopt rules establishing the standards and 63138
requirements for obtaining each educator license issued under 63139
this section. The rules shall also include the reasons for which 63140
a resident educator license may be renewed under division (A) (1) 63141
(a) of this section. 63142

(B) Except as provided in division (I) of this section, 63143
the rules adopted under this section shall require at least the 63144
following standards and qualifications for the educator licenses 63145
described in division (A) (1) of this section: 63146

(1) An applicant for a resident educator license shall 63147
hold at least a bachelor's degree from an accredited teacher 63148
preparation program or be a participant in the teach for America 63149
program and meet the qualifications required under section 63150
3319.227 of the Revised Code. 63151

(2) An applicant for a professional educator license 63152
shall: 63153

(a) Hold at least a bachelor's degree from an institution 63154
of higher education accredited by a regional accrediting 63155
organization; 63156

(b) Have successfully completed the Ohio teacher residency 63157
program established under section 3319.223 of the Revised Code, 63158
if the applicant's current or most recently issued license is a 63159
resident educator license issued under this section or an 63160
alternative resident educator license issued under section 63161

3319.26 of the Revised Code.	63162
(3) An applicant for a senior professional educator license shall:	63163 63164
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	63165 63166 63167
(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;	63168 63169 63170
(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.	63171 63172 63173 63174
(4) An applicant for a lead professional educator license shall:	63175 63176
(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;	63177 63178 63179
(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;	63180 63181 63182 63183
(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;	63184 63185 63186
(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher	63187 63188 63189

adopted by the educator standards board under division (F) (4) or 63190
(5) of section 3319.61 of the Revised Code. 63191

(C) The state board shall align the standards and 63192
qualifications for obtaining a principal license with the 63193
standards for principals adopted by the state board under 63194
section 3319.61 of the Revised Code. 63195

(D) If the state board requires any examinations for 63196
educator licensure, the ~~department of education state board~~ 63197
shall provide the results of such examinations received by the 63198
~~department state board~~ to the chancellor of higher education, in 63199
the manner and to the extent permitted by state and federal law. 63200

(E) Any rules the state board of education adopts, amends, 63201
or rescinds for educator licenses under this section, ~~division~~ 63202
~~(D) of section 3301.07 of the Revised Code,~~ or any other law 63203
shall be adopted, amended, or rescinded under Chapter 119. of 63204
the Revised Code except as follows: 63205

(1) Notwithstanding division (E) of section 119.03 and 63206
division (A) (1) of section 119.04 of the Revised Code, in the 63207
case of the adoption of any rule or the amendment or rescission 63208
of any rule that necessitates institutions' offering preparation 63209
programs for educators and other school personnel that are 63210
approved by the chancellor of higher education under section 63211
3333.048 of the Revised Code to revise the curriculum of those 63212
programs, the effective date shall not be as prescribed in 63213
division (E) of section 119.03 and division (A) (1) of section 63214
119.04 of the Revised Code. Instead, the effective date of such 63215
rules, or the amendment or rescission of such rules, shall be 63216
the date prescribed by section 3333.048 of the Revised Code. 63217

(2) Notwithstanding the authority to adopt, amend, or 63218

rescind emergency rules in division (G) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F) (1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. ~~The department of education state board~~ shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted ~~by the state board of education~~ pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F) (2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a

district board shall remain in effect unless within thirty days 63249
prior to an anniversary of the date upon which the current 63250
committee structure was established, the board provides notice 63251
to all affected district employees that the committee structure 63252
is to be modified. Professional development committees may have 63253
a district-level or building-level scope of operations, and may 63254
be established with regard to particular grade or age levels for 63255
which an educator license is designated. 63256

Each professional development committee shall consist of 63257
at least three classroom teachers employed by the district, one 63258
principal employed by the district, and one other employee of 63259
the district appointed by the district superintendent. For 63260
committees with a building-level scope, the teacher and 63261
principal members shall be assigned to that building, and the 63262
teacher members shall be elected by majority vote of the 63263
classroom teachers assigned to that building. For committees 63264
with a district-level scope, the teacher members shall be 63265
elected by majority vote of the classroom teachers of the 63266
district, and the principal member shall be elected by a 63267
majority vote of the principals of the district, unless there 63268
are two or fewer principals employed by the district, in which 63269
case the one or two principals employed shall serve on the 63270
committee. If a committee has a particular grade or age level 63271
scope, the teacher members shall be licensed to teach such grade 63272
or age levels, and shall be elected by majority vote of the 63273
classroom teachers holding such a license and the principal 63274
shall be elected by all principals serving in buildings where 63275
any such teachers serve. The district superintendent shall 63276
appoint a replacement to fill any vacancy that occurs on a 63277
professional development committee, except in the case of 63278
vacancies among the elected classroom teacher members, which 63279

shall be filled by vote of the remaining members of the 63280
committee so selected. 63281

Terms of office on professional development committees 63282
shall be prescribed by the district board establishing the 63283
committees. The conduct of elections for members of professional 63284
development committees shall be prescribed by the district board 63285
establishing the committees. A professional development 63286
committee may include additional members, except that the 63287
majority of members on each such committee shall be classroom 63288
teachers employed by the district. Any member appointed to fill 63289
a vacancy occurring prior to the expiration date of the term for 63290
which a predecessor was appointed shall hold office as a member 63291
for the remainder of that term. 63292

The initial meeting of any professional development 63293
committee, upon election and appointment of all committee 63294
members, shall be called by a member designated by the district 63295
superintendent. At this initial meeting, the committee shall 63296
select a chairperson and such other officers the committee deems 63297
necessary, and shall adopt rules for the conduct of its 63298
meetings. Thereafter, the committee shall meet at the call of 63299
the chairperson or upon the filing of a petition with the 63300
district superintendent signed by a majority of the committee 63301
members calling for the committee to meet. 63302

(3) In the case of a school district in which an exclusive 63303
representative has been established pursuant to Chapter 4117. of 63304
the Revised Code, professional development committees shall be 63305
established in accordance with any collective bargaining 63306
agreement in effect in the district that includes provisions for 63307
such committees. 63308

If the collective bargaining agreement does not specify a 63309

different method for the selection of teacher members of the 63310
committees, the exclusive representative of the district's 63311
teachers shall select the teacher members. 63312

If the collective bargaining agreement does not specify a 63313
different structure for the committees, the board of education 63314
of the school district shall establish the structure, including 63315
the number of committees and the number of teacher and 63316
administrative members on each committee; the specific 63317
administrative members to be part of each committee; whether the 63318
scope of the committees will be district levels, building 63319
levels, or by type of grade or age levels for which educator 63320
licenses are designated; the lengths of terms for members; the 63321
manner of filling vacancies on the committees; and the frequency 63322
and time and place of meetings. However, in all cases, except as 63323
provided in division (F) (4) of this section, there shall be a 63324
majority of teacher members of any professional development 63325
committee, there shall be at least five total members of any 63326
professional development committee, and the exclusive 63327
representative shall designate replacement members in the case 63328
of vacancies among teacher members, unless the collective 63329
bargaining agreement specifies a different method of selecting 63330
such replacements. 63331

(4) Whenever an administrator's coursework plan is being 63332
discussed or voted upon, the local professional development 63333
committee shall, at the request of one of its administrative 63334
members, cause a majority of the committee to consist of 63335
administrative members by reducing the number of teacher members 63336
voting on the plan. 63337

(G) (1) The department of education and workforce, 63338
educational service centers, county boards of developmental 63339

disabilities, college and university departments of education, 63340
head start programs, and the Ohio education computer network may 63341
establish local professional development committees to determine 63342
whether the coursework proposed by their employees who are 63343
licensed or certificated under this section or section 3319.222 63344
of the Revised Code, or under the former version of either 63345
section as it existed prior to October 16, 2009, meet the 63346
requirements of the rules adopted under this section. They may 63347
establish local professional development committees on their own 63348
or in collaboration with a school district or other agency 63349
having authority to establish them. 63350

Local professional development committees established by 63351
county boards of developmental disabilities shall be structured 63352
in a manner comparable to the structures prescribed for school 63353
districts in divisions (F) (2) and (3) of this section, as shall 63354
the committees established by any other entity specified in 63355
division (G) (1) of this section that provides educational 63356
services by employing or contracting for services of classroom 63357
teachers licensed or certificated under this section or section 63358
3319.222 of the Revised Code, or under the former version of 63359
either section as it existed prior to October 16, 2009. All 63360
other entities specified in division (G) (1) of this section 63361
shall structure their committees in accordance with guidelines 63362
which shall be issued by the ~~state board~~ department. 63363

(2) Educational service centers may establish local 63364
professional development committees to serve educators who are 63365
not employed in schools in this state, including pupil services 63366
personnel who are licensed under this section. Local 63367
professional development committees shall be structured in a 63368
manner comparable to the structures prescribed for school 63369
districts in divisions (F) (2) and (3) of this section. 63370

These committees may agree to review the coursework, 63371
continuing education units, or other equivalent activities 63372
related to classroom teaching or the area of licensure that is 63373
proposed by an individual who satisfies both of the following 63374
conditions: 63375

(a) The individual is licensed or certificated under this 63376
section or under the former version of this section as it 63377
existed prior to October 16, 2009. 63378

(b) The individual is not currently employed as an 63379
educator or is not currently employed by an entity that operates 63380
a local professional development committee under this section. 63381

Any committee that agrees to work with such an individual 63382
shall work to determine whether the proposed coursework, 63383
continuing education units, or other equivalent activities meet 63384
the requirements of the rules adopted by the state board under 63385
this section. 63386

(3) Any public agency that is not specified in division 63387
(G) (1) or (2) of this section but provides educational services 63388
and employs or contracts for services of classroom teachers 63389
licensed or certificated under this section or section 3319.222 63390
of the Revised Code, or under the former version of either 63391
section as it existed prior to October 16, 2009, may establish a 63392
local professional development committee, subject to the 63393
approval of the department of education and workforce. The 63394
committee shall be structured in accordance with guidelines 63395
issued by the ~~state board~~ department. 63396

(H) Not later than July 1, 2016, the state board, in 63397
accordance with Chapter 119. of the Revised Code, shall adopt 63398
rules pursuant to division (A) (3) of this section that do both 63399

of the following: 63400

(1) Exempt consistently high-performing teachers from the 63401
requirement to complete any additional coursework for the 63402
renewal of an educator license issued under this section or 63403
section 3319.26 of the Revised Code. The rules also shall 63404
specify that such teachers are exempt from any requirements 63405
prescribed by professional development committees established 63406
under divisions (F) and (G) of this section. 63407

(2) For purposes of division (H)(1) of this section, the 63408
state board shall define the term "consistently high-performing 63409
teacher." 63410

(I) The state board shall issue a resident educator 63411
license, professional educator license, senior professional 63412
educator license, lead professional educator license, or any 63413
other educator license in accordance with Chapter 4796. of the 63414
Revised Code to an applicant if either of the following applies: 63415

(1) The applicant holds a license in another state. 63416

(2) The applicant has satisfactory work experience, a 63417
government certification, or a private certification as 63418
described in that chapter as a resident educator, professional 63419
educator, senior professional educator, lead professional 63420
educator, or any other type of educator in a state that does not 63421
issue one or more of those licenses. 63422

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 63423
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 63424
general assembly, the state board of education shall accept 63425
applications for new, and for renewal of, professional career- 63426
technical teaching licenses through June 30, 2019, and issue 63427
them on the basis of the applications received by that date in 63428

accordance with the rules described in that former section. 63429
Except as otherwise provided in divisions (A) (2) and (3) of this 63430
section, beginning July 1, 2019, the state board shall issue 63431
career-technical workforce development educator licenses only 63432
under this section. 63433

(2) An individual who, on July 1, 2019, holds a 63434
professional career-technical teaching license issued under the 63435
rules described in former section 3319.229 of the Revised Code, 63436
may continue to renew that license in accordance with those 63437
rules for the remainder of the individual's teaching career. 63438
However, nothing in this division shall be construed to prohibit 63439
the individual from applying to the state board for a career- 63440
technical workforce development educator license under this 63441
section. 63442

(3) An individual who, on July 1, 2019, holds an 63443
alternative resident educator license for teaching career- 63444
technical education issued under section 3319.26 of the Revised 63445
Code may, upon the expiration of the license, apply for a 63446
professional career-technical teaching license issued under the 63447
rules described in former section 3319.229 of the Revised Code. 63448
Such an individual may continue to renew the professional 63449
license in accordance with those rules for the remainder of the 63450
individual's teaching career. However, nothing in this division 63451
shall be construed to prohibit the individual from applying to 63452
the state board for a career-technical workforce development 63453
educator license under this section. 63454

(B) Except as provided in division (G) of this section, 63455
the state board, in collaboration with the chancellor of higher 63456
education, shall adopt rules establishing standards and 63457
requirements for obtaining a two-year initial career-technical 63458

workforce development educator license and a five-year advanced 63459
career-technical workforce development educator license. Each 63460
license shall be valid for teaching career-technical education 63461
or workforce development programs in grades four through twelve. 63462
The rules shall require applicants for either license to have a 63463
high school diploma or a certificate of high school equivalence 63464
as awarded under section 3301.80 of the Revised Code or as 63465
recognized as the equivalent of such certificate under division 63466
(C) of that section. 63467

(C) (1) Except as provided in division (G) of this section, 63468
the state board shall issue an initial career-technical 63469
workforce development educator license to an applicant upon 63470
request from the superintendent of a school district that has 63471
agreed to employ the applicant. In making the request, the 63472
superintendent shall provide documentation, in accordance with 63473
procedures prescribed by the ~~department of education~~state board, 63474
showing that the applicant has at least five years of work 63475
experience, or the equivalent, in the subject area in which the 63476
applicant will teach. The license shall be valid for teaching 63477
only in the requesting district. The superintendent also shall 63478
provide documentation, in accordance with procedures prescribed 63479
by the ~~department~~state board, that the applicant is enrolled in 63480
a career-technical workforce development educator preparation 63481
program offered by an institution of higher education that has 63482
an existing teacher preparatory program in place that meets all 63483
of the following criteria: 63484

(a) Is approved by the chancellor of higher education to 63485
provide instruction in teaching methods and principles; 63486

(b) Provides classroom support to the license holder; 63487

(c) Includes at least three semester hours of coursework 63488

in the teaching of reading in the subject area; 63489

(d) Is aligned with career-technical education and 63490
workforce development competencies developed by the department_ 63491
of education and workforce; 63492

(e) Uses a summative performance-based assessment 63493
developed by the program and aligned to the competencies 63494
described in division (C) (1) (d) of this section to evaluate the 63495
license holder's knowledge and skills; 63496

(f) Consists of not less than twenty-four semester hours 63497
of coursework, or the equivalent. 63498

(2) As a condition of continuing to hold the initial 63499
career-technical workforce development license, the holder of 63500
the license shall be participating in a career-technical 63501
workforce development educator preparation program described in 63502
division (C) (1) of this section. 63503

(3) The state board shall renew an initial career- 63504
technical workforce development educator license if the 63505
supervisor of the program described in division (C) (1) of this 63506
section and the superintendent of the employing school district 63507
indicate that the applicant is making sufficient progress in 63508
both the program and the teaching position. 63509

(D) Except as provided in division (G) of this section, 63510
the state board shall issue an advanced career-technical 63511
workforce development educator license to an applicant who has 63512
successfully completed the program described in division (C) (1) 63513
of this section, as indicated by the supervisor of the program, 63514
and who demonstrates mastery of the applicable career-technical 63515
education and workforce development competencies described in 63516
division (C) (1) (d) of this section in the teaching position, as 63517

indicated by the superintendent of the employing school 63518
district. 63519

(E) The holder of an advanced career-technical workforce 63520
development educator license shall work with a local 63521
professional development committee established under section 63522
3319.22 of the Revised Code in meeting requirements for renewal 63523
of the license. 63524

(F) Notwithstanding the provisions of section 3319.226 of 63525
the Revised Code, the state board shall not require any 63526
applicant for an educator license for substitute teaching who 63527
holds a license issued under this section to hold a post- 63528
secondary degree in order to be issued a license under section 63529
3319.226 of the Revised Code to work as a substitute teacher for 63530
career-technical education classes. 63531

(G) The state board shall issue a license to practice as 63532
an initial career-technical workforce development educator or 63533
advanced career-technical workforce development educator in 63534
accordance with Chapter 4796. of the Revised Code to an 63535
applicant if either of the following applies: 63536

(1) The applicant holds a license in another state. 63537

(2) The applicant has satisfactory work experience, a 63538
government certification, or a private certification as 63539
described in that chapter as a career-technical workforce 63540
development educator in a state that does not issue one or both 63541
of those licenses. 63542

Sec. 3319.262. (A) Notwithstanding any other provision of 63543
the Revised Code or any rule adopted by the state board of 63544
education to the contrary and except as provided in division (C) 63545
of this section, the state board shall adopt rules establishing 63546

standards and requirements for obtaining a nonrenewable four- 63547
year initial early college high school educator license for 63548
teaching grades seven through twelve at an early college high 63549
school described in section 3313.6013 of the Revised Code to any 63550
applicant who meets the following conditions: 63551

(1) Has a graduate or terminal degree from an accredited 63552
institution of higher education in a field related to the 63553
subject area to be taught, as determined by the ~~department of~~ 63554
education state board; 63555

(2) Has obtained a passing score on an examination in the 63556
subject area to be taught, as prescribed by the state board; 63557

(3) Has experience teaching students at any grade level, 63558
including post-secondary students; 63559

(4) Has proof that an early college high school intends to 63560
employ the applicant pending a valid license under this section. 63561

An individual licensed under this section shall be subject 63562
to sections 3319.291 and 3319.39 of the Revised Code. An initial 63563
educator license issued under division (A) of this section shall 63564
be valid for teaching only at the employing school described in 63565
division (A) (4) of this section. 63566

(B) After four years of teaching under an initial early 63567
college high school educator license issued under this section, 63568
an individual may apply for a renewable five-year professional 63569
educator license in the same subject area named in the initial 63570
license. The state board shall issue the applicant a 63571
professional educator license if the applicant attains a passing 63572
score on an assessment of professional knowledge prescribed by 63573
the state board. Nothing in division (B) of this section shall 63574
be construed to prohibit an individual from applying for a 63575

professional educator license under section 3319.22 of the Revised Code. 63576
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(C) The state board shall issue an initial early college high school educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 63578
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(1) The applicant holds a license in another state. 63582

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an early college high school educator in a state that does not issue that license. 63583
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Sec. 3319.28. (A) As used in this section, "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 63587
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(B) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary and except as provided in division (F) of this section, the state board shall issue a two-year provisional educator license for teaching science, technology, engineering, or mathematics in grades six through twelve in a STEM school to any applicant who meets the following conditions: 63590
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(1) Holds a bachelor's degree from an accredited institution of higher education in a field related to the subject area to be taught; 63597
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(2) Has passed an examination prescribed by the state board in the subject area to be taught. 63600
63601

(C) The holder of a provisional educator license issued under this section shall complete a structured apprenticeship 63602
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program provided by an educational service center or a teacher 63604
preparation program approved under section 3333.048 of the 63605
Revised Code, in partnership with the STEM school that employs 63606
the license holder. The apprenticeship program shall include the 63607
following: 63608

(1) Mentoring by a teacher or administrator who regularly 63609
observes the license holder's classroom instruction, provides 63610
feedback on the license holder's teaching strategies and 63611
classroom management, and engages the license holder in 63612
discussions about methods for fostering and measuring student 63613
learning; 63614

(2) Regularly scheduled seminars or meetings that address 63615
the following topics: 63616

(a) The statewide academic standards adopted ~~by the state~~ 63617
~~board~~ under section 3301.079 of the Revised Code and the 63618
importance of aligning curriculum with those standards; 63619

(b) The achievement assessments prescribed by section 63620
3301.0710 of the Revised Code; 63621

(c) The school district and building accountability system 63622
established under Chapter 3302. of the Revised Code; 63623

(d) Instructional methods and strategies; 63624

(e) Student development; 63625

(f) Assessing student progress and providing remediation 63626
and intervention, as necessary, to meet students' special needs; 63627

(g) Classroom management and record keeping. 63628

(D) After two years of teaching under a provisional 63629
educator license issued under this section, a person may apply 63630

for a five-year professional educator license in the same 63631
subject area named in the provisional license. The state board 63632
shall issue the applicant a professional educator license if the 63633
applicant meets the following conditions: 63634

(1) The applicant completed the apprenticeship program 63635
described in division (C) of this section. 63636

(2) The applicant receives a positive recommendation 63637
indicating that the applicant is an effective teacher from both 63638
of the following: 63639

(a) The chief administrative officer of the STEM school 63640
that most recently employed the applicant as a classroom 63641
teacher; 63642

(b) The educational service center or teacher preparation 63643
program administrator in charge of the apprenticeship program 63644
completed by the applicant. 63645

(3) The applicant meets all other requirements for a 63646
professional educator license adopted by the state board under 63647
section 3319.22 of the Revised Code. 63648

(E) ~~The department of education state board~~ shall evaluate 63649
the experiences of STEM schools with classroom teachers holding 63650
provisional educator licenses issued under this section. The 63651
evaluation shall cover the first two school years for which 63652
licenses are issued and shall consider at least the schools' 63653
satisfaction with the teachers and the operation of the 63654
apprenticeship programs. 63655

(F) The state board shall issue a provisional educator 63656
license for teaching in a STEM school in accordance with Chapter 63657
4796. of the Revised Code to an applicant if either of the 63658
following applies: 63659

- (1) The applicant holds a license in another state. 63660
- (2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a STEM educator in a state that does not issue that license. 63661
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- Sec. 3319.361.** (A) Except as provided in division (F) of this section, the state board of education shall establish rules for the issuance of a supplemental teaching license. This license shall be issued at the request of the superintendent of a city, local, exempted village, or joint vocational school district, educational service center, or the governing authority of a STEM school, chartered nonpublic school, or community school to an individual who meets all of the following criteria: 63665
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- (1) Holds a current professional or permanent Ohio teaching certificate or resident educator license, professional educator license, senior professional educator license, or lead professional educator license, as issued under section 3319.22 or 3319.26 of the Revised Code; 63673
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- (2) Is of good moral character; 63678
- (3) Is employed in a supplemental licensure area or teaching field, as defined by the state board; 63679
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- (4) Completes an examination prescribed by the state board in the licensure area; 63681
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- (5) Completes, while employed under the supplemental teaching license and subsequent renewals thereof, additional coursework, if applicable, and testing requirements for full licensure in the supplemental area as a condition of holding and teaching under a supplemental teaching license. 63683
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(B) The employing school district, service center, or school shall assign a mentor to the individual holding a supplemental teaching license. The assigned mentor shall be an experienced teacher who currently holds a license in the same, or a related, content area as the supplemental license.

(C) Before the ~~department of education~~ state board will issue an individual a supplemental teaching license in another area, the supplemental licensee must complete the supplemental licensure program, or its equivalent, and be issued a standard teaching license in the area of the currently held supplemental license.

(D) An individual may advance from a supplemental teaching license to a standard teaching license upon:

(1) Verification from the employing superintendent or governing authority that the individual holding the supplemental teaching license has taught successfully in the licensure area for a minimum of two years; and

(2) Completing requirements as applicable to the licensure area or teaching field as established by the state board.

(E) A licensee who has filed an application under this section may work in the supplemental licensure area for up to sixty school days while completing the requirements in division (A) (4) of this section. If the requirements are not completed within sixty days, the application shall be declined.

(F) The state board shall issue a supplemental teaching license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as an educator providing supplemental instruction in a state that does not issue that license.

Sec. 3327.10. (A) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into an agreement with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the ~~state board~~ department of education and workforce of each driver to ascertain the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national

registry of certified medical examiners established by the 63745
federal motor carrier safety administration in accordance with 63746
49 C.F.R. part 390. 63747

Any certificate may be revoked by the authority granting 63748
the same on proof that the holder has been guilty of failing to 63749
comply with division (D)(1) of this section, or upon a 63750
conviction or a guilty plea for a violation, or any other 63751
action, that results in a loss or suspension of driving rights. 63752
Failure to comply with such division may be cause for 63753
disciplinary action or termination of employment under division 63754
(C) of section 3319.081, or section 124.34 of the Revised Code. 63755

(B) Except as provided in division (L) of this section, no 63756
person shall be employed as driver of a school bus or motor van 63757
not subject to the rules of the department ~~of education~~ pursuant 63758
to division (A) of this section who has not received a 63759
certificate from the school administrator or contractor 63760
certifying that such person is at least eighteen years of age 63761
and is qualified physically and otherwise for such position. 63762
Each driver shall have an annual physical examination which 63763
conforms to the state highway patrol rules, ascertaining the 63764
driver's physical fitness for such employment. The examination 63765
shall be performed by one of the following: 63766

(1) A person licensed under Chapter 4731. or 4734. of the 63767
Revised Code or by another state to practice medicine and 63768
surgery, osteopathic medicine and surgery, or chiropractic; 63769

(2) A physician assistant; 63770

(3) A certified nurse practitioner; 63771

(4) A clinical nurse specialist; 63772

(5) A certified nurse-midwife; 63773

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390. 63774
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Any written documentation of the physical examination shall be completed by the individual who performed the examination. 63778
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Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D) (2) of this section. 63781
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(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district. 63784
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(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows: 63788
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(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract. 63794
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(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the 63800
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administrator or contractor. 63803

(E) In addition to resulting in possible revocation of a 63804
certificate as authorized by divisions (A) and (B) of this 63805
section, violation of division (D) of this section is a minor 63806
misdemeanor. 63807

(F) (1) Not later than thirty days after June 30, 2007, 63808
each owner of a school bus or motor van shall obtain the 63809
complete driving record for each person who is currently 63810
employed or otherwise authorized to drive the school bus or 63811
motor van. An owner of a school bus or motor van shall not 63812
permit a person to operate the school bus or motor van for the 63813
first time before the owner has obtained the person's complete 63814
driving record. Thereafter, the owner of a school bus or motor 63815
van shall obtain the person's driving record not less frequently 63816
than semiannually if the person remains employed or otherwise 63817
authorized to drive the school bus or motor van. An owner of a 63818
school bus or motor van shall not permit a person to resume 63819
operating a school bus or motor van, after an interruption of 63820
one year or longer, before the owner has obtained the person's 63821
complete driving record. 63822

(2) The owner of a school bus or motor van shall not 63823
permit a person to operate the school bus or motor van for ten 63824
years after the date on which the person pleads guilty to or is 63825
convicted of a violation of section 4511.19 of the Revised Code 63826
or a substantially equivalent municipal ordinance. 63827

(3) An owner of a school bus or motor van shall not permit 63828
any person to operate such a vehicle unless the person meets all 63829
other requirements contained in rules adopted by the ~~state board~~ 63830
~~of education department~~ prescribing qualifications of drivers of 63831
school buses and other student transportation. 63832

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department ~~of education~~, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the ~~state board~~ department.

(I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J) (1) This division applies to persons hired by a school district, educational service center, community school, chartered nonpublic school, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section 3319.39 of the Revised Code and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department ~~of education~~ and every six years thereafter.

(2) This division applies to persons hired by a public or private employer not described in division (J) (1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the

federal bureau of investigation has on the person: 63892

(a) The employer previously requested the superintendent 63893
to determine whether the bureau of criminal identification and 63894
investigation has any information, gathered pursuant to division 63895
(A) of section 109.57 of the Revised Code, on the person in 63896
conjunction with a criminal records check requested under 63897
section 3319.39 of the Revised Code or under division (J) of 63898
this section. 63899

(b) The person presents proof that the person has been a 63900
resident of this state for the five-year period immediately 63901
prior to the date upon which the person becomes subject to a 63902
criminal records check under this section. 63903

Upon receipt of a request, the superintendent shall 63904
conduct the criminal records check in accordance with section 63905
109.572 of the Revised Code as if the request had been made 63906
under section 3319.39 of the Revised Code. However, as specified 63907
in division (B) (2) of section 109.572 of the Revised Code, if 63908
the employer requests the superintendent only to obtain any 63909
criminal records that the federal bureau of investigation has on 63910
the person for whom the request is made, the superintendent 63911
shall not conduct the review prescribed by division (B) (1) of 63912
that section. 63913

(K) (1) Until the effective date of the amendments to rule 63914
3301-83-23 of the Ohio Administrative Code required by the 63915
second paragraph of division (E) of section 3319.39 of the 63916
Revised Code, any person who is the subject of a criminal 63917
records check under division (J) of this section and has been 63918
convicted of or pleaded guilty to any offense described in 63919
division (B) (1) of section 3319.39 of the Revised Code shall not 63920
be hired or shall be released from employment, as applicable, 63921

unless the person meets the rehabilitation standards prescribed 63922
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 63923
Administrative Code. 63924

(2) Beginning on the effective date of the amendments to 63925
rule 3301-83-23 of the Ohio Administrative Code required by the 63926
second paragraph of division (E) of section 3319.39 of the 63927
Revised Code, any person who is the subject of a criminal 63928
records check under division (J) of this section and has been 63929
convicted of or pleaded guilty to any offense that, under the 63930
rule, disqualifies a person for employment to operate a vehicle 63931
used for pupil transportation shall not be hired or shall be 63932
released from employment, as applicable, unless the person meets 63933
the rehabilitation standards prescribed by the rule. 63934

(L) The superintendent of a school district or an 63935
educational service center governing board shall issue a 63936
certificate as a driver of a school bus or motor van or a 63937
certificate to operate a vehicle used for pupil transportation 63938
in accordance with Chapter 4796. of the Revised Code to an 63939
applicant if either of the following applies: 63940

(1) The applicant holds a certificate in another state. 63941

(2) The applicant has satisfactory work experience, a 63942
government certification, or a private certification as 63943
described in that chapter as a school bus or motor van driver or 63944
a pupil transportation vehicle operator in a state that does not 63945
issue one or both of those certificates. 63946

Sec. 4709.07. (A) Each person who desires to obtain an 63947
initial license to practice barbering shall apply to the state 63948
cosmetology and barber board, on forms provided by the board. 63949
The application form shall include the name of the person 63950

applying for the license and evidence that the applicant meets 63951
all of the requirements of division (B) of this section. The 63952
application shall be accompanied by the examination application 63953
fee. 63954

(B) In order to take the required barber examination and 63955
to qualify for licensure as a barber, an applicant must 63956
demonstrate that the applicant meets all of the following: 63957

(1) Is at least eighteen years of age; 63958

(2) Has an eighth grade education or an equivalent 63959
education as determined by the ~~state board department~~ of 63960
education and workforce, or equivalent organization in the state 63961
where the applicant resides; 63962

(3) Has graduated with at least one thousand eight hundred 63963
hours of training from a board-approved barber school or has 63964
graduated with at least one thousand hours of training from a 63965
board-approved barber school in this state and has a current 63966
cosmetology or hair designer license issued pursuant to Chapter 63967
4713. of the Revised Code. No hours of instruction earned by an 63968
applicant five or more years prior to the examination apply to 63969
the hours of study required by this division. 63970

(C) Any applicant who meets all of the requirements of 63971
divisions (A) and (B) of this section may take the barber 63972
examination at the time and place specified by the board. If the 63973
applicant fails to attain at least a seventy-five per cent pass 63974
rate on each part of the examination, the applicant is 63975
ineligible for licensure; however, the applicant may reapply for 63976
examination within ninety days after the date of the release of 63977
the examination scores by paying the required reexamination fee. 63978
An applicant is only required to take that part or parts of the 63979

examination on which the applicant did not receive a score of 63980
seventy-five per cent or higher. If the applicant fails to 63981
reapply for examination within ninety days or fails the second 63982
examination, in order to reapply for examination for licensure 63983
the applicant shall complete an additional course of study of 63984
not less than two hundred hours, in a board-approved barber 63985
school. The board shall provide to an applicant, upon request, a 63986
report which explains the reasons for the applicant's failure to 63987
pass the examination. 63988

(D) The board shall issue a license to practice barbering 63989
to any applicant who, to the satisfaction of the board, meets 63990
the requirements of divisions (A) and (B) of this section, who 63991
passes the required examination, and pays the initial licensure 63992
fee. Every licensed barber shall display the certificate of 63993
licensure in a conspicuous place adjacent to or near the 63994
licensed barber's work chair. 63995

(E) The board shall issue a license to practice barbering 63996
in accordance with Chapter 4796. of the Revised Code to an 63997
applicant if either of the following applies: 63998

(1) The applicant holds a license to practice barbering in 63999
another state. 64000

(2) The applicant has satisfactory work experience, a 64001
government certification, or a private certification as 64002
described in that chapter as a barber in a state that does not 64003
issue that license. 64004

Sec. 4709.10. (A) Each person who desires to obtain a 64005
license to operate a barber school shall apply to the state 64006
cosmetology and barber board, on forms provided by the board. 64007
The board shall issue a barber school license to a person if the 64008

board determines that the person meets and will comply with all 64009
of the requirements of division (B) of this section and pays the 64010
required licensure and inspection fees. 64011

(B) In order for a person to qualify for a license to 64012
operate a barber school, the barber school to be operated by the 64013
person must meet all of the following requirements: 64014

(1) Have a training facility sufficient to meet the 64015
required educational curriculum established by the board, 64016
including enough space to accommodate all the facilities and 64017
equipment required by rule by the board; 64018

(2) Provide sufficient licensed teaching personnel to meet 64019
the minimum pupil-teacher ratio established by rule of the 64020
board; 64021

(3) Have established and provide to the board proof that 64022
it has met all of the board requirements to operate a barber 64023
school, as adopted by rule of the board; 64024

(4) File with the board a program of its curriculum, 64025
accounting for not less than one thousand eight hundred hours of 64026
instruction in the courses of theory and practical demonstration 64027
required by rule of the board; 64028

(5) File with the board a surety bond in the amount of ten 64029
thousand dollars issued by a bonding company licensed to do 64030
business in this state. The bond shall be in the form prescribed 64031
by the board and conditioned upon the barber school's continued 64032
instruction in the theory and practice of barbering. The bond 64033
shall continue in effect until notice of its termination is 64034
provided to the board. In no event, however, shall the bond be 64035
terminated while the barber school is in operation. Any student 64036
who is injured or damaged by reason of a barber school's failure 64037

to continue instruction in the theory and practice of barbering 64038
may maintain an action on the bond against the barber school or 64039
the surety, or both, for the recovery of any money or tuition 64040
paid in advance for instruction in the theory and practice of 64041
barbering which was not received. The aggregate liability of the 64042
surety to all students shall not exceed the sum of the bond. 64043

(6) Maintain adequate record keeping to ensure that it has 64044
met the requirements for records of student progress as required 64045
by board rule; 64046

(7) Establish minimum standards for acceptance of student 64047
applicants for admission to the barber school. The barber school 64048
may establish entrance requirements which are more stringent 64049
than those prescribed by the board, but the requirements must at 64050
a minimum require the applicant to meet both of the following: 64051

(a) Be at least seventeen years of age; 64052

(b) Have an eighth grade education, or an equivalent 64053
education as determined by the ~~state board~~ department of 64054
education and workforce. 64055

(8) Have a procedure to submit every student applicant's 64056
admission application to the board for the board's review and 64057
approval prior to the applicant's admission to the barber 64058
school; 64059

(9) Operate in a manner which reflects credit upon the 64060
barbering profession; 64061

(10) Offer a curriculum of study which covers all aspects 64062
of the scientific fundamentals of barbering as specified by rule 64063
of the board; 64064

(11) Employ no more than two licensed assistant barber 64065

teachers for each licensed barber teacher employed or fewer than 64066
two licensed teachers or one licensed teacher and one licensed 64067
assistant teacher at each facility. 64068

(C) Each person who desires to obtain a barber teacher or 64069
assistant barber teacher license shall apply to the board, on 64070
forms provided by the board. Except as provided in division (D) 64071
of this section, the board shall only issue a barber teacher 64072
license to a person who meets all of the following requirements: 64073

(1) Holds a current barber license issued pursuant to this 64074
chapter and has at least eighteen months of work experience in a 64075
licensed barber shop or has been employed as an assistant barber 64076
teacher under the supervision of a licensed barber teacher for 64077
at least one year, unless, for good cause, the board waives this 64078
requirement; 64079

(2) Meets such other requirements as adopted by rule by 64080
the board; 64081

(3) Passes the required examination; and 64082

(4) Pays the required fees. 64083

Except as provided in division (D) of this section, the 64084
board shall only issue an assistant barber teacher license to a 64085
person who holds a current barber license issued pursuant to 64086
this chapter and pays the required fees. 64087

(D) The board shall issue a barber teacher or assistant 64088
barber teacher license in accordance with Chapter 4796. of the 64089
Revised Code to an applicant if either of the following applies: 64090

(1) The applicant holds a barber teacher or assistant 64091
barber teacher license, as applicable, in another state. 64092

(2) The applicant has satisfactory work experience, a 64093

government certification, or a private certification as 64094
described in that chapter as a barber teacher or assistant 64095
barber teacher, as applicable, in a state that does not issue 64096
the applicable license. 64097

(E) Any person who meets the qualifications of an 64098
assistant teacher pursuant to division (C) or (D) of this 64099
section, may be employed as an assistant teacher, provided that 64100
within five days after the commencement of the employment the 64101
barber school submits to the board, on forms provided by the 64102
board, the applicant's qualifications. 64103

Sec. 4732.10. (A) The state board of psychology shall 64104
appoint an entrance examiner who shall determine the sufficiency 64105
of an applicant's qualifications for admission to the 64106
appropriate examination. A member of the board or the executive 64107
director may be appointed as the entrance examiner. 64108

(B) Requirements for admission to examination for a 64109
psychologist license shall be that the applicant: 64110

(1) Is at least twenty-one years of age; 64111

(2) Meets one of the following requirements: 64112

(a) Received an earned doctoral degree from an institution 64113
accredited or recognized by a national or regional accrediting 64114
agency and a program accredited by any of the following: 64115

(i) The American psychological association, office of 64116
program consultation and accreditation; 64117

(ii) The accreditation office of the Canadian 64118
psychological association; 64119

(iii) A program listed by the association of state and 64120
provincial psychology boards/national register designation 64121

committee;	64122
(iv) The national association of school psychologists.	64123
(b) Received an earned doctoral degree in psychology or	64124
school psychology from an institution accredited or recognized	64125
by a national or regional accrediting agency but the program	64126
does not meet the program accreditation requirements of division	64127
(B) (2) (a) of this section;	64128
(c) Received from an academic institution outside of the	64129
United States or Canada a degree determined, under rules adopted	64130
by the board under division (F) of this section, to be	64131
equivalent to a doctoral degree in psychology from a program	64132
described in division (B) (2) (a) of this section;	64133
(d) Held a psychologist license, certificate, or	64134
registration required for practice in a Canadian jurisdiction	64135
for a minimum of ten years and meets educational, experience,	64136
and professional requirements established under rules adopted by	64137
the board.	64138
(3) Has had at least two years of supervised professional	64139
experience in psychological work of a type satisfactory to the	64140
board, at least one year of which must be a predoctoral	64141
internship. The board shall adopt guidelines for the kind of	64142
supervised professional experience that fulfill this	64143
requirement.	64144
(4) If applying under division (B) (2) (b) or (c) of this	64145
section, has had at least two years of supervised professional	64146
experience in psychological work of a type satisfactory to the	64147
board, at least one year of which must be postdoctoral. The	64148
board shall adopt guidelines for the kind of supervised	64149
professional experience that fulfill this requirement.	64150

(C) Requirements for admission to examination for an independent school psychologist license shall be that the applicant:

(1) Has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, including those approved by the state board of education for the training of independent school psychologists, at least a master's degree in school psychology, or a degree considered equivalent by the board;

(2) Is at least twenty-one years of age;

(3) Has completed at least sixty quarter hours, or the semester hours equivalent, at the graduate level, of accredited study in course work relevant to the study of school psychology;

(4) Has completed an internship in an educational institution approved by the ~~Ohio~~ department of education and workforce for school psychology supervised experience or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a licensed psychologist, licensed independent school psychologist, or licensed school psychologist;

(5) Furnishes proof of at least twenty-seven months, exclusive of internship, of full-time experience as a certificated school psychologist employed by a board of education or a private school meeting the standards prescribed by the ~~state board~~ director of education and workforce, or of experience that the board deems equivalent.

(D) Requirements for admission to examination for a school psychologist shall be that the applicant:

(1) Has received from an educational institution 64180
accredited or recognized by national or regional accrediting 64181
agencies as maintaining satisfactory standards, including those 64182
approved by the state board of education for the training of 64183
school psychologists, at least a master's degree in school 64184
psychology, or a degree considered equivalent by the board; 64185

(2) Is at least twenty-one years of age; 64186

(3) Has completed a nine month, full-time internship in an 64187
approved school setting as described in rules adopted by the 64188
board. 64189

(E) If the entrance examiner finds that the applicant 64190
meets the requirements set forth in this section, the applicant 64191
shall be admitted to the appropriate examination. 64192

(F) The board shall adopt under Chapter 119. of the 64193
Revised Code rules for determining for the purposes of division 64194
(B) (2) (c) of this section whether a degree is equivalent to a 64195
degree in psychology from an institution in the United States. 64196

Sec. 4735.09. (A) Application for a license as a real 64197
estate salesperson shall be made to the superintendent of real 64198
estate on forms furnished by the superintendent and signed by 64199
the applicant. The application shall be in the form prescribed 64200
by the superintendent and shall contain such information as is 64201
required by this chapter and the rules of the Ohio real estate 64202
commission. The application shall be accompanied by the 64203
recommendation of the real estate broker with whom the applicant 64204
is associated or with whom the applicant intends to be 64205
associated, certifying that the applicant is honest and 64206
truthful, and has not been finally adjudged by a court to have 64207
violated any municipal, state, or federal civil rights laws 64208

relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the application, which fee includes the fee for the initial year of the licensing period, if a license is issued. The initial year of the licensing period commences at the time the license is issued and ends on the applicant's first birthday thereafter. The application fee shall be nonrefundable. A fee of eighty-one dollars shall be charged by the superintendent for each successive application made by the applicant. One dollar of each application fee shall be credited to the real estate education and research fund.

(C) There shall be no limit placed on the number of times an applicant may retake the examination.

(D) The superintendent, with the consent of the commission, may enter into an agreement with a recognized national testing service to administer the real estate salesperson's examination under the superintendent's supervision and control, consistent with the requirements of this chapter as to the contents of the examination.

If the superintendent, with the consent of the commission, enters into an agreement with a national testing service to administer the real estate salesperson's examination, the superintendent may require an applicant to pay the testing service's examination fee directly to the testing service. If the superintendent requires the payment of the examination fee directly to the testing service, each applicant shall submit to

the superintendent a processing fee in an amount determined by 64239
the Ohio real estate commission pursuant to division (A) (1) of 64240
section 4735.10 of the Revised Code. 64241

(E) The superintendent shall issue a real estate 64242
salesperson's license when satisfied that the applicant has 64243
received a passing score on each portion of the salesperson's 64244
examination as determined by rule by the real estate commission. 64245

(F) No applicant for a salesperson's license shall take 64246
the salesperson's examination who has not established to the 64247
satisfaction of the superintendent that the applicant: 64248

(1) Is honest and truthful; 64249

(2) (a) Has not been convicted of a disqualifying offense 64250
as determined in accordance with section 9.79 of the Revised 64251
Code; 64252

(b) Has not been finally adjudged by a court to have 64253
violated any municipal, state, or federal civil rights laws 64254
relevant to the protection of purchasers or sellers of real 64255
estate or, if the applicant has been so adjudged, at least two 64256
years have passed since the court decision and the 64257
superintendent has disregarded the adjudication because the 64258
applicant has proven, by a preponderance of the evidence, that 64259
the applicant is honest and truthful, and there is no basis in 64260
fact for believing that the applicant again will violate the 64261
laws involved. 64262

(3) Has not, during any period in which the applicant was 64263
licensed under this chapter, violated any provision of, or any 64264
rule adopted pursuant to this chapter, or, if the applicant has 64265
violated such provision or rule, has established to the 64266
satisfaction of the superintendent that the applicant will not 64267

again violate such provision or rule; 64268

(4) Is at least eighteen years of age; 64269

(5) If born after the year 1950, has a high school diploma 64270
or a certificate of high school equivalence issued ~~by the~~ 64271
~~department of education~~ under section 3301.80 of the Revised 64272
Code; 64273

(6) Has successfully completed at an institution of higher 64274
education all of the following credit-eligible courses by either 64275
classroom instruction or distance education: 64276

(a) Forty hours of instruction in real estate practice; 64277

(b) Forty hours of instruction that includes the subjects 64278
of Ohio real estate law, municipal, state, and federal civil 64279
rights law, new case law on housing discrimination, 64280
desegregation issues, and methods of eliminating the effects of 64281
prior discrimination. If feasible, the instruction in Ohio real 64282
estate law shall be taught by a member of the faculty of an 64283
accredited law school. If feasible, the instruction in 64284
municipal, state, and federal civil rights law, new case law on 64285
housing discrimination, desegregation issues, and methods of 64286
eliminating the effects of prior discrimination shall be taught 64287
by a staff member of the Ohio civil rights commission who is 64288
knowledgeable with respect to those subjects. The requirements 64289
of this division do not apply to an applicant who is admitted to 64290
practice before the supreme court. 64291

(c) Twenty hours of instruction in real estate appraisal; 64292

(d) Twenty hours of instruction in real estate finance. 64293

(G) (1) Successful completion of the instruction required 64294
by division (F) (6) of this section shall be determined by the 64295

law in effect on the date the instruction was completed. 64296

(2) Division (F) (6) (c) of this section does not apply to 64297
any new applicant who holds a valid Ohio real estate appraiser 64298
license or certificate issued prior to the date of application 64299
for a real estate salesperson's license. 64300

(H) Only for noncredit course offerings, an institution of 64301
higher education shall obtain approval from the appropriate 64302
state authorizing entity prior to offering a real estate course 64303
that is designed and marketed as satisfying the salesperson 64304
license education requirements of division (F) (6) of this 64305
section. The state authorizing entity may consult with the 64306
superintendent in reviewing the course for compliance with this 64307
section. 64308

(I) Any person who has not been licensed as a real estate 64309
salesperson or broker within a four-year period immediately 64310
preceding the person's current application for the salesperson's 64311
examination shall have successfully completed the prelicensure 64312
instruction required by division (F) (6) of this section within a 64313
ten-year period immediately preceding the person's current 64314
application for the salesperson's examination. 64315

(J) Not earlier than the date of issue of a real estate 64316
salesperson's license to a licensee, but not later than twelve 64317
months after the date of issue of a real estate salesperson 64318
license to a licensee, the licensee shall submit proof 64319
satisfactory to the superintendent, on forms made available by 64320
the superintendent, of the completion of twenty hours of 64321
instruction that shall be completed in schools, seminars, and 64322
educational institutions approved by the commission. The 64323
instruction shall include, but is not limited to, current 64324
practices relating to commercial real estate, property 64325

management, short sales, and land contracts; contract law; 64326
federal and state programs; economic conditions; and fiduciary 64327
responsibility. Approval of the curriculum and providers shall 64328
be granted according to rules adopted pursuant to section 64329
4735.10 of the Revised Code and may be taken through classroom 64330
instruction or distance education. 64331

If proof of completion of the required instruction is not 64332
submitted within twelve months of the date a license is issued 64333
under this section, the licensee's license is suspended 64334
automatically without the taking of any action by the 64335
superintendent. The superintendent immediately shall notify the 64336
broker with whom such salesperson is associated of the 64337
suspension of the salesperson's license. A salesperson whose 64338
license has been suspended under this division shall have twelve 64339
months after the date of the suspension of the salesperson's 64340
license to submit proof of successful completion of the 64341
instruction required under this division. No such license shall 64342
be reactivated by the superintendent until it is established, to 64343
the satisfaction of the superintendent, that the requirements of 64344
this division have been met and that the licensee is in 64345
compliance with this chapter. A licensee's license is revoked 64346
automatically without the taking of any action by the 64347
superintendent when the licensee fails to submit the required 64348
proof of completion of the education requirements under division 64349
(I) of this section within twelve months of the date the license 64350
is suspended. 64351

(K) Examinations shall be administered with reasonable 64352
accommodations in accordance with the requirements of the 64353
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 64354
U.S.C. 12189. The contents of an examination shall be consistent 64355
with the classroom instructional requirements of division (F) (6) 64356

of this section. An applicant who has completed the classroom 64357
instructional requirements of division (F) (6) of this section at 64358
the time of application shall be examined no later than twelve 64359
months after the applicant is notified of the applicant's 64360
admission to the examination. 64361

(L) Notwithstanding any provision of this chapter or 64362
Chapter 4796. of the Revised Code to the contrary, the 64363
superintendent shall issue a real estate salesperson's license 64364
in accordance with Chapter 4796. of the Revised Code to an 64365
applicant if both of the following apply: 64366

(1) The applicant satisfies the requirements specified in 64367
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 64368
applicable. 64369

(2) The applicant passes an examination on Ohio real 64370
estate law. 64371

Sec. 4747.10. (A) (1) Each person currently engaged in 64372
training to become a licensed hearing aid dealer or fitter shall 64373
apply to the state speech and hearing professionals board for a 64374
hearing aid dealer's and fitter's trainee permit. The board 64375
shall issue to each applicant within thirty days of receipt of a 64376
properly completed application and payment of an application fee 64377
set by the board in rules adopted under section 4747.04 of the 64378
Revised Code, a trainee permit if such applicant meets all of 64379
the following criteria: 64380

(a) Is at least eighteen years of age; 64381

(b) Is the holder of a diploma from an accredited high 64382
school or a certificate of high school equivalence issued ~~by the~~ 64383
~~department of education~~ under section 3301.80 of the Revised 64384
Code; 64385

(c) Is free of contagious or infectious disease. 64386

(2) The board shall issue a hearing aid dealer's and 64387
fitter's trainee permit in accordance with Chapter 4796. of the 64388
Revised Code to an applicant if either of the following applies: 64389

(a) The applicant holds a permit or license in another 64390
state. 64391

(b) The applicant has satisfactory work experience, a 64392
government certification, or a private certification as 64393
described in that chapter as a hearing aid dealer and fitter 64394
trainee in a state that does not issue that permit or license. 64395

(B) The board shall not deny a trainee permit issued under 64396
this section to any individual based on the individual's past 64397
criminal history unless the denial is in accordance with section 64398
9.79 of the Revised Code. 64399

In considering a renewal of an individual's trainee 64400
permit, the board shall not consider any conviction or plea of 64401
guilty prior to the issuance of the initial trainee permit. 64402
However, the board may consider a conviction or plea of guilty 64403
if it occurred after the individual was initially granted the 64404
trainee permit, or after the most recent trainee permit renewal. 64405
The board shall comply with Chapter 119. of the Revised Code 64406
when denying an individual for a trainee permit or renewal. 64407
Additionally, the board may grant an individual a conditional 64408
trainee permit that lasts for one year. After the one-year 64409
period has expired, the permit is no longer considered 64410
conditional, and the individual shall be considered to be 64411
granted a full trainee permit. 64412

(C) Each trainee permit issued by the board expires one 64413
year from the date it was first issued, and may be renewed once 64414

if the trainee has not successfully completed the qualifying 64415
requirements for licensing as a hearing aid dealer or fitter 64416
before the expiration date of such permit. The board shall issue 64417
a renewed permit to each applicant upon receipt of a properly 64418
completed application and payment of a renewal fee set by the 64419
board in rules adopted under section 4747.04 of the Revised 64420
Code. No person holding a trainee permit shall engage in the 64421
practice of dealing in or fitting of hearing aids except while 64422
under supervision by a licensed hearing aid dealer or fitter. 64423

Section 5. That the existing sections 921.06, 3301.071, 64424
3309.011, 3319.22, 3319.229, 3319.262, 3319.28, 3319.361, 64425
3327.10, 4709.07, 4709.10, 4732.10, 4735.09, and 4747.10 of the 64426
Revised Code that are scheduled to take effect December 29, 64427
2023, are hereby repealed. 64428

Section 6. Sections 4 and 5 of this act take effect 64429
December 29, 2023. 64430

Section 7. (A) On the effective date of this section, the 64431
Department of Education is hereby renamed as the Department of 64432
Education and Workforce, as prescribed by new section 3301.13 of 64433
the Revised Code as enacted by this act. 64434

(B) On and after the effective date of this section, all 64435
powers and duties vested in the State Board of Education and the 64436
Superintendent of Public Instruction terminate, except as 64437
described in section 3301.111 of the Revised Code. Any business 64438
commenced but not completed on the effective date of this 64439
section by the State Board of Education or the State 64440
Superintendent of Public Instruction shall be completed by the 64441
Department of Education and Workforce in the same manner, and 64442
with the same effect, as if completed by the State Board of 64443
Education or the State Superintendent of Public Instruction. 64444

(C) (1) On or after the effective date of this section, all employees of the Department of Education and Workforce necessary for the State Board of Education to perform its powers and duties, as described in section 3301.111 of the Revised Code, are hereby transferred to the State Board. Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, employees who are transferred retain their same positions and all benefits accruing thereto. Once transferred to the State Board, changes to positions or benefits for employees not subject to Chapter 4117. of the Revised Code shall be controlled by Chapter 124. of the Revised Code, or other applicable revised and administrative code sections.

(2) On the effective date of this section, the assets, equipment, records, documents, files, and other materials, irrespective of form or medium, of the Department of Education and Workforce necessary for the State Board of Education to perform its duties and powers, as described in section 3301.111 of the Revised Code, are transferred to the State Board.

(D) (1) No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Director of Education and Workforce or Department of Education and Workforce. Any action or proceeding pending on the effective date of this section may be prosecuted or defended in the name of the Department of Education and Workforce. In all such actions or proceedings, the Department of Education and Workforce shall be substituted as a party upon application to the court or other tribunal.

(2) Except with regard to matters related to the statutorily prescribed powers and duties of the State Board of

Education as described in section 3301.111 of the Revised Code, 64475
whenever the Department of Education, the State Board of 64476
Education, or the Superintendent of Public Instruction is 64477
referred to in any law, contract, or other document, the 64478
reference shall be deemed to refer to the Department of 64479
Education and Workforce or the Director of Education and 64480
Workforce, whichever is appropriate in context. 64481

(E) All rules, orders, and determinations made or 64482
undertaken by the Superintendent of Public Instruction or the 64483
State Board of Education relating to the powers and duties 64484
transferred to the Department or Director of Education and 64485
Workforce continue in effect as rules, orders, and 64486
determinations of the Department of Education and Workforce 64487
until modified or rescinded by the Director of Education and 64488
Workforce. On or after the effective date of this section, if 64489
necessary to ensure the integrity of the numbering of the 64490
Administrative Code, and to the extent permitted by statute, the 64491
Director of the Legislative Service Commission shall renumber 64492
the rules of the Department of Education, Superintendent of 64493
Public Instruction, or the State Board of Education to reflect 64494
its respective transfer to the Department or Director of 64495
Education and Workforce pursuant to the provisions of law 64496
enacted herein. 64497

This division does not affect the rules of the State Board 64498
of Education regarding the statutorily prescribed powers and 64499
duties of the State Board as described in section 3301.111 of 64500
the Revised Code. 64501

(F) On or after the effective date of this section, 64502
pursuant to section 126.15 of the Revised Code, the Director of 64503
Budget and Management shall transfer the balance of all 64504

appropriations made related to the statutorily prescribed powers 64505
and duties of the State Board of Education, as described in 64506
section 3301.111 of the Revised Code, from the Department of 64507
Education and Workforce to the State Board for the same purpose 64508
as appropriated to the Department of Education and Workforce. 64509

(G) Not later than ninety days after the effective date of 64510
this section, the Director of Education and Workforce, the 64511
Department of Education and Workforce, the State Board of 64512
Education, and the Superintendent of Public Instruction shall 64513
complete any action necessary to implement the provisions of 64514
this act regarding the transfer of powers described in this 64515
section. 64516

(H) The Director of Education and Workforce shall, in a 64517
timely manner, schedule a list of regular meetings under section 64518
3301.137 of the Revised Code for fiscal year 2024. 64519

Section 8. The General Assembly, applying the principle 64520
stated in division (B) of section 1.52 of the Revised Code that 64521
amendments are to be harmonized if reasonably capable of 64522
simultaneous operation, finds that the following sections, 64523
presented in this act as composites of the sections as amended 64524
by the acts indicated, are the resulting versions of the 64525
sections in effect prior to the effective date of the sections 64526
as presented in this act: 64527

Section 109.57 of the Revised Code as amended by both H.B. 64528
405 and S.B. 288 of the 134th General Assembly. 64529

Section 109.572 of the Revised Code as amended by both 64530
H.B. 509 and S.B. 288 of the 134th General Assembly. 64531

Section 121.95 of the Revised Code as amended by both H.B. 64532
29 and S.B. 9 of the 134th General Assembly. 64533

Section 135.142 of the Revised Code as amended by both H.B. 197 and S.B. 276 of the 133rd General Assembly.	64534 64535
Section 2151.353 of the Revised Code as amended by H.B. 8 and H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd General Assembly, and H.B. 50 and H.B. 158, both of the 131st General Assembly.	64536 64537 64538 64539
Section 2901.01 of the Revised Code as amended by H.B. 462, S.B. 164, and S.B. 288, all of the 134th General Assembly.	64540 64541
Section 2903.13 of the Revised Code as amended by H.B. 281, S.B. 16, and S.B. 288, all of the 134th General Assembly.	64542 64543
Section 2925.01 of the Revised Code as amended by H.B. 281, H.B. 509, and S.B. 25, all of the 134th General Assembly.	64544 64545
Section 3301.0712 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	64546 64547
Section 3301.0715 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	64548 64549
Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.	64550 64551
Section 3302.04 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	64552 64553
Section 3310.41 of the Revised Code as amended by H.B. 509 and H.B. 554, both of the 134th General Assembly.	64554 64555
Section 3311.741 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	64556 64557
Section 3313.25 of the Revised Code as amended by both H.B. 291 and H.B. 491 of the 132nd General Assembly.	64558 64559
Section 3313.6113 of the Revised Code as amended by H.B.	64560

82, H.B. 110, and S.B. 166, all of the 134th General Assembly.	64561
Section 3314.02 of the Revised Code as amended by both	64562
H.B. 82 and H.B. 110 of the 134th General Assembly.	64563
Section 3319.02 of the Revised Code as amended by both	64564
H.B. 525 and S.B. 316 of the 129th General Assembly.	64565
The version of section 3319.22 of the Revised Code that is	64566
scheduled to take effect December 29, 2023, as amended by both	64567
H.B. 509 and S.B. 131 of the 134th General Assembly.	64568
Section 4141.01 of the Revised Code as amended by both	64569
H.B. 110 and H.B. 281 of the 134th General Assembly.	64570
The version of section 4709.07 of the Revised Code that is	64571
scheduled to take effect December 29, 2023, as amended by both	64572
H.B. 509 and S.B. 131 of the 134th General Assembly.	64573
The version of section 4709.10 of the Revised Code that is	64574
scheduled to take effect December 29, 2023, as amended by both	64575
H.B. 509 and S.B. 131 of the 134th General Assembly.	64576
The version of section 4732.10 of the Revised Code that is	64577
scheduled to take effect December 29, 2023, as amended by both	64578
H.B. 509 and S.B. 131 of the 134th General Assembly.	64579