

As Introduced

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S. B. No. 241

Senators Terhar, Thomas

Cosponsors: Senators Hottinger, Hoagland

A BILL

To amend sections 921.06, 955.43, 3301.07, 1
3301.071, 3301.0711, 3301.16, 3301.162, 2
3301.164, 3301.52, 3301.541, 3302.07, 3302.41, 3
3310.01, 3312.01, 3312.04, 3312.05, 3312.09, 4
3313.206, 3313.41, 3313.48, 3313.481, 3313.482, 5
3313.536, 3313.539, 3313.5311, 3313.603, 6
3313.62, 3313.716, 3313.717, 3313.718, 3313.719, 7
3313.7111, 3313.7112, 3313.7114, 3313.813, 8
3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 9
3317.062, 3317.063, 3317.13, 3319.311, 3319.313, 10
3319.314, 3319.317, 3319.39, 3319.391, 3319.392, 11
3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 12
3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 13
3365.01, 3365.02, 3701.133, 3781.106, 3781.11, 14
4729.513, 4729.541, 5104.01, 5104.02, and 15
5139.18 and to enact section 3301.165 of the 16
Revised Code to establish a category of 17
nonpublic schools called "accredited nonpublic 18
schools" and to prescribe requirements and 19
exemptions for such schools. 20

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 921.06, 955.43, 3301.07, 21
3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 22
3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 23
3312.09, 3313.206, 3313.41, 3313.48, 3313.481, 3313.482, 24
3313.536, 3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 25
3313.717, 3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 26
3313.813, 3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 27
3317.062, 3317.063, 3317.13, 3319.311, 3319.313, 3319.314, 28
3319.317, 3319.39, 3319.391, 3319.392, 3319.40, 3319.52, 29
3321.01, 3326.01, 3326.03, 3326.032, 3326.04, 3326.09, 3327.07, 30
3327.10, 3365.01, 3365.02, 3701.133, 3781.106, 3781.11, 31
4729.513, 4729.541, 5104.01, 5104.02, and 5139.18 be amended and 32
section 3301.165 of the Revised Code be enacted to read as 33
follows: 34

Sec. 921.06. (A) (1) No individual shall do any of the 35
following without having a commercial applicator license issued 36
by the director of agriculture: 37

(a) Apply pesticides for a pesticide business without 38
direct supervision; 39

(b) Apply pesticides as part of the individual's duties 40
while acting as an employee of the United States government, a 41
state, county, township, or municipal corporation, or a park 42
district, port authority, or sanitary district created under 43
Chapter 1545., 4582., or 6115. of the Revised Code, 44
respectively; 45

(c) Apply restricted use pesticides. Division (A) (1) (c) of 46
this section does not apply to a private applicator or an 47
immediate family member or a subordinate employee of a private 48
applicator who is acting under the direct supervision of that 49
private applicator. 50

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:	51 52 53 54
(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;	55 56
(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	57 58
(iii) Golf courses;	59
(iv) Rental properties of more than four apartment units at one location;	60 61
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	62 63
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	64 65
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education, <u>or an accredited nonpublic school as described in section 3301.165 of the Revised Code;</u>	66 67 68 69 70 71 72 73
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools	74 75 76 77 78

and program authorization for an associate or bachelor's degree 79
program issued under section 3332.05 of the Revised Code, and 80
private institutions exempt from regulation under Chapter 3332. 81
of the Revised Code as prescribed in section 3333.046 of the 82
Revised Code; 83

(ix) Food processing establishments as defined in section 84
3715.021 of the Revised Code; 85

(x) Any other site designated by rule. 86

(e) Conduct authorized diagnostic inspections. 87

(2) Divisions (A) (1) (a) to (d) of this section do not 88
apply to an individual who is acting as a trained serviceperson 89
under the direct supervision of a commercial applicator. 90

(3) Licenses shall be issued for a period of time 91
established by rule and shall be renewed in accordance with 92
deadlines established by rule. The fee for each such license 93
shall be established by rule. If a license is not issued or 94
renewed, the application fee shall be retained by the state as 95
payment for the reasonable expense of processing the 96
application. The director shall by rule classify by pesticide- 97
use category licenses to be issued under this section. A single 98
license may include more than one pesticide-use category. No 99
individual shall be required to pay an additional license fee if 100
the individual is licensed for more than one category. 101

The fee for each license or renewal does not apply to an 102
applicant who is an employee of the department of agriculture 103
whose job duties require licensure as a commercial applicator as 104
a condition of employment. 105

(B) Application for a commercial applicator license shall 106
be made on a form prescribed by the director. Each application 107

for a license shall state the pesticide-use category or 108
categories of license for which the applicant is applying and 109
other information that the director determines essential to the 110
administration of this chapter. 111

(C) If the director finds that the applicant is competent 112
to apply pesticides and conduct diagnostic inspections and that 113
the applicant has passed both the general examination and each 114
applicable pesticide-use category examination as required under 115
division (A) of section 921.12 of the Revised Code, the director 116
shall issue a commercial applicator license limited to the 117
pesticide-use category or categories for which the applicant is 118
found to be competent. If the director rejects an application, 119
the director may explain why the application was rejected, 120
describe the additional requirements necessary for the applicant 121
to obtain a license, and return the application. The applicant 122
may resubmit the application without payment of any additional 123
fee. 124

(D) (1) A person who is a commercial applicator shall be 125
deemed to hold a private applicator's license for purposes of 126
applying pesticides on agricultural commodities that are 127
produced by the commercial applicator. 128

(2) A commercial applicator shall apply pesticides only in 129
the pesticide-use category or categories in which the applicator 130
is licensed under this chapter. 131

(E) All money collected under this section shall be 132
credited to the pesticide, fertilizer, and lime program fund 133
created in section 921.22 of the Revised Code. 134

Sec. 955.43. (A) When either a blind, deaf or hearing 135
impaired, or mobility impaired person or a trainer of an 136

assistance dog is accompanied by an assistance dog, the person 137
or the trainer, as applicable, is entitled to the full and equal 138
accommodations, advantages, facilities, and privileges of all 139
public conveyances, hotels, lodging places, all places of public 140
accommodation, amusement, or resort, all institutions of 141
education, and other places to which the general public is 142
invited, and may take the dog into such conveyances and places, 143
subject only to the conditions and limitations applicable to all 144
persons not so accompanied, except that: 145

(1) The dog shall not occupy a seat in any public 146
conveyance. 147

(2) The dog shall be upon a leash while using the 148
facilities of a common carrier. 149

(3) Any dog in training to become an assistance dog shall 150
be covered by a liability insurance policy provided by the 151
nonprofit special agency engaged in such work protecting members 152
of the public against personal injury or property damage caused 153
by the dog. 154

(B) No person shall deprive a blind, deaf or hearing 155
impaired, or mobility impaired person or a trainer of an 156
assistance dog who is accompanied by an assistance dog of any of 157
the advantages, facilities, or privileges provided in division 158
(A) of this section, nor charge the person or trainer a fee or 159
charge for the dog. 160

(C) As used in this section, "institutions of education" 161
means: 162

(1) Any state university or college as defined in section 163
3345.32 of the Revised Code; 164

(2) Any private college or university that holds a 165

certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code;	166 167
(3) Any elementary or secondary school operated by a board of education;	168 169
(4) Any chartered, <u>accredited</u> , or nonchartered nonpublic elementary or secondary school + . <u>As used in this section, "accredited nonpublic school" has the same meaning as in section 3301.165 of the Revised Code.</u>	170 171 172 173
(5) Any school issued a certificate of registration by the state board of career colleges and schools.	174 175
Sec. 3301.07. The state board of education shall exercise under the acts of the general assembly general supervision of the system of public education in the state. In addition to the powers otherwise imposed on the state board under the provisions of law, the board shall have the powers described in this section.	176 177 178 179 180 181
(A) The state board shall exercise policy forming, planning, and evaluative functions for the public schools of the state except as otherwise provided by law.	182 183 184
(B) (1) The state board shall exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts, educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the board to school districts and educational service centers of this state.	185 186 187 188 189 190 191 192 193 194

(2) The state board also shall develop a standard of 195
financial reporting which shall be used by each school district 196
board of education and each governing board of an educational 197
service center, each governing authority of a community school 198
established under Chapter 3314., each governing body of a STEM 199
school established under Chapter 3328., and each board of 200
trustees of a college-preparatory boarding school established 201
under Chapter 3328. of the Revised Code to make its financial 202
information and annual budgets for each school building under 203
its control available to the public in a format understandable 204
by the average citizen. The format shall show, both at the 205
district and at the school building level, revenue by source; 206
expenditures for salaries, wages, and benefits of employees, 207
showing such amounts separately for classroom teachers, other 208
employees required to hold licenses issued pursuant to sections 209
3319.22 to 3319.31 of the Revised Code, and all other employees; 210
expenditures other than for personnel, by category, including 211
utilities, textbooks and other educational materials, equipment, 212
permanent improvements, pupil transportation, extracurricular 213
athletics, and other extracurricular activities; and per pupil 214
expenditures. The format shall also include information on total 215
revenue and expenditures, per pupil revenue, and expenditures 216
for both classroom and nonclassroom purposes, as defined by the 217
standards adopted under section 3302.20 of the Revised Code in 218
the aggregate and for each subgroup of students, as defined by 219
section 3317.40 of the Revised Code, that receives services 220
provided for by state or federal funding. 221

(3) Each school district board, governing authority, 222
governing body, or board of trustees, or its respective 223
designee, shall annually report, to the department of education, 224
all financial information required by the standards for 225

financial reporting, as prescribed by division (B) (2) of this 226
section and adopted by the state board. The department shall 227
make all reports submitted pursuant to this division available 228
in such a way that allows for comparison between financial 229
information included in these reports and financial information 230
included in reports produced prior to July 1, 2013. The 231
department shall post these reports in a prominent location on 232
its web site and shall notify each school when reports are made 233
available. 234

(C) The state board shall administer and supervise the 235
allocation and distribution of all state and federal funds for 236
public school education under the provisions of law, and may 237
prescribe such systems of accounting as are necessary and proper 238
to this function. It may require county auditors and treasurers, 239
boards of education, educational service center governing 240
boards, treasurers of such boards, teachers, and other school 241
officers and employees, or other public officers or employees, 242
to file with it such reports as it may prescribe relating to 243
such funds, or to the management and condition of such funds. 244

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 245
XLVII, and LI of the Revised Code a reference is made to 246
standards prescribed under this section or division (D) of this 247
section, that reference shall be construed to refer to the 248
standards prescribed under division (D) (2) of this section, 249
unless the context specifically indicates a different meaning or 250
intent. 251

(2) The state board shall formulate and prescribe minimum 252
standards to be applied to all elementary and secondary schools 253
in this state for the purpose of providing children access to a 254
general education of high quality according to the learning 255

needs of each individual, including students with disabilities, 256
economically disadvantaged students, limited English proficient 257
students, and students identified as gifted. Such standards 258
shall provide adequately for: the licensing of teachers, 259
administrators, and other professional personnel and their 260
assignment according to training and qualifications; efficient 261
and effective instructional materials and equipment, including 262
library facilities; the proper organization, administration, and 263
supervision of each school, including regulations for preparing 264
all necessary records and reports and the preparation of a 265
statement of policies and objectives for each school; the 266
provision of safe buildings, grounds, health and sanitary 267
facilities and services; admission of pupils, and such 268
requirements for their promotion from grade to grade as will 269
assure that they are capable and prepared for the level of study 270
to which they are certified; requirements for graduation; and 271
such other factors as the board finds necessary. 272

The state board shall base any standards governing the 273
promotion of students or requirements for graduation on the 274
ability of students, at any grade level, to earn credits or 275
advance upon demonstration of mastery of knowledge and skills 276
through competency-based learning models. Credits of grade level 277
advancement shall not require a minimum number of days or hours 278
in a classroom. 279

The state board shall base any standards governing the 280
assignment of staff on ensuring each school has a sufficient 281
number of teachers to ensure a student has an appropriate level 282
of interaction to meet each student's personal learning goals. 283

In the formulation and administration of such standards 284
for nonpublic schools the board shall also consider the 285

particular needs, methods and objectives of those schools, 286
provided they do not conflict with the provision of a general 287
education of a high quality and provided that regular procedures 288
shall be followed for promotion from grade to grade of pupils 289
who have met the educational requirements prescribed. 290

All chartered, nonchartered, and accredited nonpublic 291
schools shall comply with the minimum education standards 292
adopted by the state board under this division. However, the 293
state board shall not prescribe additional operating standards 294
for nonchartered or accredited nonpublic schools. As used in 295
this section, "accredited nonpublic school" has the same meaning 296
as in section 3301.165 of the Revised Code. 297

(3) In addition to the minimum standards required by 298
division (D)(2) of this section, the state board may formulate 299
and prescribe the following additional minimum operating 300
standards for school districts: 301

(a) Standards for the effective and efficient 302
organization, administration, and supervision of each school 303
district with a commitment to high expectations for every 304
student based on the learning needs of each individual, 305
including students with disabilities, economically disadvantaged 306
students, limited English proficient students, and students 307
identified as gifted, and commitment to closing the achievement 308
gap without suppressing the achievement levels of higher 309
achieving students so that all students achieve core knowledge 310
and skills in accordance with the statewide academic standards 311
adopted under section 3301.079 of the Revised Code; 312

(b) Standards for the establishment of business advisory 313
councils under section 3313.82 of the Revised Code; 314

(c) Standards for school district buildings that may 315
require the effective and efficient organization, 316
administration, and supervision of each school district building 317
with a commitment to high expectations for every student based 318
on the learning needs of each individual, including students 319
with disabilities, economically disadvantaged students, limited 320
English proficient students, and students identified as gifted, 321
and commitment to closing the achievement gap without 322
suppressing the achievement levels of higher achieving students 323
so that all students achieve core knowledge and skills in 324
accordance with the statewide academic standards adopted under 325
section 3301.079 of the Revised Code. 326

(E) The state board may require as part of the health 327
curriculum information developed under section 2108.34 of the 328
Revised Code promoting the donation of anatomical gifts pursuant 329
to Chapter 2108. of the Revised Code and may provide the 330
information to high schools, educational service centers, and 331
joint vocational school district boards of education; 332

(F) The state board shall prepare and submit annually to 333
the governor and the general assembly a report on the status, 334
needs, and major problems of the public schools of the state, 335
with recommendations for necessary legislative action and a ten- 336
year projection of the state's public and nonpublic school 337
enrollment, by year and by grade level. 338

(G) The state board shall prepare and submit to the 339
director of budget and management the biennial budgetary 340
requests of the state board of education, for its agencies and 341
for the public schools of the state. 342

(H) The state board shall cooperate with federal, state, 343
and local agencies concerned with the health and welfare of 344

children and youth of the state. 345

(I) The state board shall require such reports from school 346
districts and educational service centers, school officers, and 347
employees as are necessary and desirable. The superintendents 348
and treasurers of school districts and educational service 349
centers shall certify as to the accuracy of all reports required 350
by law or state board or state department of education rules to 351
be submitted by the district or educational service center and 352
which contain information necessary for calculation of state 353
funding. Any superintendent who knowingly falsifies such report 354
shall be subject to license revocation pursuant to section 355
3319.31 of the Revised Code. 356

(J) In accordance with Chapter 119. of the Revised Code, 357
the state board shall adopt procedures, standards, and 358
guidelines for the education of children with disabilities 359
pursuant to Chapter 3323. of the Revised Code, including 360
procedures, standards, and guidelines governing programs and 361
services operated by county boards of developmental disabilities 362
pursuant to section 3323.09 of the Revised Code. 363

(K) For the purpose of encouraging the development of 364
special programs of education for academically gifted children, 365
the state board shall employ competent persons to analyze and 366
publish data, promote research, advise and counsel with boards 367
of education, and encourage the training of teachers in the 368
special instruction of gifted children. The board may provide 369
financial assistance out of any funds appropriated for this 370
purpose to boards of education and educational service center 371
governing boards for developing and conducting programs of 372
education for academically gifted children. 373

(L) The state board shall require that all public schools 374

emphasize and encourage, within existing units of study, the 375
teaching of energy and resource conservation as recommended to 376
each district board of education by leading business persons 377
involved in energy production and conservation, beginning in the 378
primary grades. 379

(M) The state board shall formulate and prescribe minimum 380
standards requiring the use of phonics as a technique in the 381
teaching of reading in grades kindergarten through three. In 382
addition, the state board shall provide in-service training 383
programs for teachers on the use of phonics as a technique in 384
the teaching of reading in grades kindergarten through three. 385

(N) The state board may adopt rules necessary for carrying 386
out any function imposed on it by law, and may provide rules as 387
are necessary for its government and the government of its 388
employees, and may delegate to the superintendent of public 389
instruction the management and administration of any function 390
imposed on it by law. It may provide for the appointment of 391
board members to serve on temporary committees established by 392
the board for such purposes as are necessary. Permanent or 393
standing committees shall not be created. 394

(O) Upon application from the board of education of a 395
school district, the superintendent of public instruction may 396
issue a waiver exempting the district from compliance with the 397
standards adopted under divisions (B) (2) and (D) of this 398
section, as they relate to the operation of a school operated by 399
the district. The state board shall adopt standards for the 400
approval or disapproval of waivers under this division. The 401
state superintendent shall consider every application for a 402
waiver, and shall determine whether to grant or deny a waiver in 403
accordance with the state board's standards. For each waiver 404

granted, the state superintendent shall specify the period of 405
time during which the waiver is in effect, which shall not 406
exceed five years. A district board may apply to renew a waiver. 407

Sec. 3301.071. (A) (1) In the case of nontax-supported 408
schools other than accredited nonpublic schools, as described in 409
section 3301.165 of the Revised Code, standards for teacher 410
certification prescribed under section 3301.07 of the Revised 411
Code shall provide for certification, without further 412
educational requirements, of any administrator, supervisor, or 413
teacher who has attended and received a bachelor's degree from a 414
college or university accredited by a national or regional 415
association in the United States except that, at the discretion 416
of the state board of education, this requirement may be met by 417
having an equivalent degree from a foreign college or university 418
of comparable standing. Standards for certification of any 419
administrator, supervisor, or teacher of an accredited nonpublic 420
school shall require compliance with the educational 421
qualifications prescribed by the independent schools association 422
of the central states. However, nothing in this section exempts 423
an accredited nonpublic school from the requirement that each 424
applicant undergo a criminal records check under section 3319.39 425
of the Revised Code. 426

(2) In the case of nonchartered, nontax-supported schools, 427
the standards for teacher certification prescribed under section 428
3301.07 of the Revised Code shall provide for certification, 429
without further educational requirements, of any administrator, 430
supervisor, or teacher who has attended and received a diploma 431
from a "bible college" or "bible institute" described in 432
division (E) of section 1713.02 of the Revised Code. 433

(3) A certificate issued under division (A) (3) of this 434

section shall be valid only for teaching foreign language, 435
music, religion, computer technology, or fine arts. 436

Notwithstanding division (A) (1) of this section, the 437
standards for teacher certification prescribed under section 438
3301.07 of the Revised Code shall provide for certification of a 439
person as a teacher upon receipt by the state board of an 440
affidavit signed by the chief administrative officer of a 441
chartered nonpublic school seeking to employ the person, stating 442
that the person meets one of the following conditions: 443

(a) The person has specialized knowledge, skills, or 444
expertise that qualifies the person to provide instruction. 445

(b) The person has provided to the chief administrative 446
officer evidence of at least three years of teaching experience 447
in a public or nonpublic school. 448

(c) The person has provided to the chief administrative 449
officer evidence of completion of a teacher training program 450
named in the affidavit. 451

(B) Each person applying for a certificate under this 452
section for purposes of serving in a nonpublic school chartered 453
by the state board under section 3301.16 of the Revised Code 454
shall pay a fee in the amount established under division (A) of 455
section 3319.51 of the Revised Code. Any fees received under 456
this division shall be paid into the state treasury to the 457
credit of the state board of education certification fund 458
established under division (B) of section 3319.51 of the Revised 459
Code. 460

(C) A person applying for or holding any certificate 461
pursuant to this section for purposes of serving in a nonpublic 462
school chartered by the state board is subject to sections 463

3123.41 to 3123.50 of the Revised Code and any applicable rules 464
adopted under section 3123.63 of the Revised Code and sections 465
3319.31 and 3319.311 of the Revised Code. 466

(D) Divisions (B) and (C) of this section and sections 467
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 468
to any administrators, supervisors, or teachers in nonchartered, 469
nontax-supported schools. 470

Sec. 3301.0711. (A) The department of education shall: 471

(1) Annually furnish to, grade, and score all assessments 472
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 473
the Revised Code to be administered by city, local, exempted 474
village, and joint vocational school districts, except that each 475
district shall score any assessment administered pursuant to 476
division (B) (10) of this section. Each assessment so furnished 477
shall include the data verification code of the student to whom 478
the assessment will be administered, as assigned pursuant to 479
division (D) (2) of section 3301.0714 of the Revised Code. In 480
furnishing the practice versions of Ohio graduation tests 481
prescribed by division (D) of section 3301.0710 of the Revised 482
Code, the department shall make the tests available on its web 483
site for reproduction by districts. In awarding contracts for 484
grading assessments, the department shall give preference to 485
Ohio-based entities employing Ohio residents. 486

(2) Adopt rules for the ethical use of assessments and 487
prescribing the manner in which the assessments prescribed by 488
section 3301.0710 of the Revised Code shall be administered to 489
students. 490

(B) Except as provided in divisions (C) and (J) of this 491
section, the board of education of each city, local, and 492

exempted village school district shall, in accordance with rules	493
adopted under division (A) of this section:	494
(1) Administer the English language arts assessments	495
prescribed under division (A) (1) (a) of section 3301.0710 of the	496
Revised Code twice annually to all students in the third grade	497
who have not attained the score designated for that assessment	498
under division (A) (2) (c) of section 3301.0710 of the Revised	499
Code.	500
(2) Administer the mathematics assessment prescribed under	501
division (A) (1) (a) of section 3301.0710 of the Revised Code at	502
least once annually to all students in the third grade.	503
(3) Administer the assessments prescribed under division	504
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	505
annually to all students in the fourth grade.	506
(4) Administer the assessments prescribed under division	507
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	508
annually to all students in the fifth grade.	509
(5) Administer the assessments prescribed under division	510
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	511
annually to all students in the sixth grade.	512
(6) Administer the assessments prescribed under division	513
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	514
annually to all students in the seventh grade.	515
(7) Administer the assessments prescribed under division	516
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	517
annually to all students in the eighth grade.	518
(8) Except as provided in division (B) (9) of this section,	519
administer any assessment prescribed under division (B) (1) of	520

section 3301.0710 of the Revised Code as follows: 521

(a) At least once annually to all tenth grade students and 522
at least twice annually to all students in eleventh or twelfth 523
grade who have not yet attained the score on that assessment 524
designated under that division; 525

(b) To any person who has successfully completed the 526
curriculum in any high school or the individualized education 527
program developed for the person by any high school pursuant to 528
section 3323.08 of the Revised Code but has not received a high 529
school diploma and who requests to take such assessment, at any 530
time such assessment is administered in the district. 531

(9) In lieu of the board of education of any city, local, 532
or exempted village school district in which the student is also 533
enrolled, the board of a joint vocational school district shall 534
administer any assessment prescribed under division (B)(1) of 535
section 3301.0710 of the Revised Code at least twice annually to 536
any student enrolled in the joint vocational school district who 537
has not yet attained the score on that assessment designated 538
under that division. A board of a joint vocational school 539
district may also administer such an assessment to any student 540
described in division (B)(8)(b) of this section. 541

(10) If the district has a three-year average graduation 542
rate of not more than seventy-five per cent, administer each 543
assessment prescribed by division (D) of section 3301.0710 of 544
the Revised Code in September to all ninth grade students who 545
entered ninth grade prior to July 1, 2014. 546

Except as provided in section 3313.614 of the Revised Code 547
for administration of an assessment to a person who has 548
fulfilled the curriculum requirement for a high school diploma 549

but has not passed one or more of the required assessments, the 550
assessments prescribed under division (B) (1) of section 551
3301.0710 of the Revised Code shall not be administered after 552
the date specified in the rules adopted by the state board of 553
education under division (D) (1) of section 3301.0712 of the 554
Revised Code. 555

(11) (a) Except as provided in division (B) (11) (b) of this 556
section, administer the assessments prescribed by division (B) 557
(2) of section 3301.0710 and section 3301.0712 of the Revised 558
Code in accordance with the timeline and plan for implementation 559
of those assessments prescribed by rule of the state board 560
adopted under division (D) (1) of section 3301.0712 of the 561
Revised Code; 562

(b) A student who has presented evidence to the district 563
or school of having satisfied the condition prescribed by 564
division (A) (1) of section 3313.618 of the Revised Code to 565
qualify for a high school diploma prior to the date of the 566
administration of the assessment prescribed under division (B) 567
(1) of section 3301.0712 of the Revised Code shall not be 568
required to take that assessment. However, no board shall 569
prohibit a student who is not required to take such assessment 570
from taking the assessment. 571

(C) (1) (a) In the case of a student receiving special 572
education services under Chapter 3323. of the Revised Code, the 573
individualized education program developed for the student under 574
that chapter shall specify the manner in which the student will 575
participate in the assessments administered under this section, 576
except that a student with significant cognitive disabilities to 577
whom an alternate assessment is administered in accordance with 578
division (C) (1) of this section and a student determined to have 579

a disability that includes an intellectual disability as 580
outlined in guidance issued by the department shall not be 581
required to take the assessment prescribed under division (B) (1) 582
of section 3301.0712 of the Revised Code. The individualized 583
education program may excuse the student from taking any 584
particular assessment required to be administered under this 585
section if it instead specifies an alternate assessment method 586
approved by the department of education as conforming to 587
requirements of federal law for receipt of federal funds for 588
disadvantaged pupils. To the extent possible, the individualized 589
education program shall not excuse the student from taking an 590
assessment unless no reasonable accommodation can be made to 591
enable the student to take the assessment. No board shall 592
prohibit a student who is not required to take an assessment 593
under division (C) (1) of this section from taking the 594
assessment. 595

(b) Any alternate assessment approved by the department 596
for a student under this division shall produce measurable 597
results comparable to those produced by the assessment it 598
replaces in order to allow for the student's results to be 599
included in the data compiled for a school district or building 600
under section 3302.03 of the Revised Code. 601

(c) (i) Any student enrolled in a chartered nonpublic 602
school or an accredited nonpublic school who has been 603
identified, based on an evaluation conducted in accordance with 604
section 3323.03 of the Revised Code or section 504 of the 605
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as 606
amended, as a child with a disability shall be excused from 607
taking any particular assessment required to be administered 608
under this section if a plan developed for the student pursuant 609
to rules adopted by the state board excuses the student from 610

taking that assessment. 611

(ii) A student with significant cognitive disabilities to 612
whom an alternate assessment is administered in accordance with 613
division (C) (1) of this section and a student determined to have 614
a disability that includes an intellectual disability as 615
outlined in guidance issued by the department shall not be 616
required to take the assessment prescribed under division (B) (1) 617
of section 3301.0712 of the Revised Code. 618

(iii) In the case of any student who is enrolled in a 619
chartered nonpublic school and is so excused from taking an 620
assessment under division (C) (1) (c) of this section, the 621
~~chartered nonpublic~~ school shall not prohibit the student from 622
taking the assessment. 623

(2) A district board may, for medical reasons or other 624
good cause, excuse a student from taking an assessment 625
administered under this section on the date scheduled, but that 626
assessment shall be administered to the excused student not 627
later than nine days following the scheduled date. The district 628
board shall annually report the number of students who have not 629
taken one or more of the assessments required by this section to 630
the state board not later than the thirtieth day of June. 631

(3) As used in this division, "limited English proficient 632
student" has the same meaning as in 20 U.S.C. 7801. 633

No school district board shall excuse any limited English 634
proficient student from taking any particular assessment 635
required to be administered under this section, except as 636
follows: 637

(a) Any limited English proficient student who has been 638
enrolled in United States schools for less than two years and 639

for whom no appropriate accommodations are available based on 640
guidance issued by the department shall not be required to take 641
the assessment prescribed under division (B)(1) of section 642
3301.0712 of the Revised Code. 643

(b) Any limited English proficient student who has been 644
enrolled in United States schools for less than one full school 645
year shall not be required to take any reading, writing, or 646
English language arts assessment. 647

However, no board shall prohibit a limited English 648
proficient student who is not required to take an assessment 649
under division (C)(3) of this section from taking the 650
assessment. A board may permit any limited English proficient 651
student to take an assessment required to be administered under 652
this section with appropriate accommodations, as determined by 653
the department. For each limited English proficient student, 654
each school district shall annually assess that student's 655
progress in learning English, in accordance with procedures 656
approved by the department. 657

(4) (a) The governing authority of a chartered nonpublic or 658
an accredited school may excuse a limited English proficient 659
student from taking any assessment administered under this 660
section. 661

(b) No governing authority of a chartered nonpublic school 662
shall require a limited English proficient student who has been 663
enrolled in United States schools for less than two years and 664
for whom no appropriate accommodations are available based on 665
guidance issued by the department to take the assessment 666
prescribed under division (B)(1) of section 3301.0712 of the 667
Revised Code. 668

(c) No governing authority of a chartered nonpublic school 669
shall prohibit a limited English proficient student from taking 670
an assessment from which the student was excused under division 671
(C) (4) of this section. 672

(D) (1) In the school year next succeeding the school year 673
in which the assessments prescribed by division (A) (1) or (B) (1) 674
of section 3301.0710 of the Revised Code or former division (A) 675
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 676
it existed prior to September 11, 2001, are administered to any 677
student, the board of education of any school district in which 678
the student is enrolled in that year shall provide to the 679
student intervention services commensurate with the student's 680
performance, including any intensive intervention required under 681
section 3313.608 of the Revised Code, in any skill in which the 682
student failed to demonstrate at least a score at the proficient 683
level on the assessment. 684

(2) Following any administration of the assessments 685
prescribed by division (D) of section 3301.0710 of the Revised 686
Code to ninth grade students, each school district that has a 687
three-year average graduation rate of not more than seventy-five 688
per cent shall determine for each high school in the district 689
whether the school shall be required to provide intervention 690
services to any students who took the assessments. In 691
determining which high schools shall provide intervention 692
services based on the resources available, the district shall 693
consider each school's graduation rate and scores on the 694
practice assessments. The district also shall consider the 695
scores received by ninth grade students on the English language 696
arts and mathematics assessments prescribed under division (A) 697
(1) (f) of section 3301.0710 of the Revised Code in the eighth 698
grade in determining which high schools shall provide 699

intervention services. 700

Each high school selected to provide intervention services 701
under this division shall provide intervention services to any 702
student whose results indicate that the student is failing to 703
make satisfactory progress toward being able to attain scores at 704
the proficient level on the Ohio graduation tests. Intervention 705
services shall be provided in any skill in which a student 706
demonstrates unsatisfactory progress and shall be commensurate 707
with the student's performance. Schools shall provide the 708
intervention services prior to the end of the school year, 709
during the summer following the ninth grade, in the next 710
succeeding school year, or at any combination of those times. 711

(E) Except as provided in section 3313.608 of the Revised 712
Code and division (N) of this section, no school district board 713
of education shall utilize any student's failure to attain a 714
specified score on an assessment administered under this section 715
as a factor in any decision to deny the student promotion to a 716
higher grade level. However, a district board may choose not to 717
promote to the next grade level any student who does not take an 718
assessment administered under this section or make up an 719
assessment as provided by division (C) (2) of this section and 720
who is not exempt from the requirement to take the assessment 721
under division (C) (3) of this section. 722

(F) No person shall be charged a fee for taking any 723
assessment administered under this section. 724

(G) (1) Each school district board shall designate one 725
location for the collection of assessments administered in the 726
spring under division (B) (1) of this section and those 727
administered under divisions (B) (2) to (7) of this section. Each 728
district board shall submit the assessments to the entity with 729

which the department contracts for the scoring of the 730
assessments as follows: 731

(a) If the district's total enrollment in grades 732
kindergarten through twelve during the first full school week of 733
October was less than two thousand five hundred, not later than 734
the Friday after all of the assessments have been administered; 735

(b) If the district's total enrollment in grades 736
kindergarten through twelve during the first full school week of 737
October was two thousand five hundred or more, but less than 738
seven thousand, not later than the Monday after all of the 739
assessments have been administered; 740

(c) If the district's total enrollment in grades 741
kindergarten through twelve during the first full school week of 742
October was seven thousand or more, not later than the Tuesday 743
after all of the assessments have been administered. 744

However, any assessment that a student takes during the 745
make-up period described in division (C) (2) of this section 746
shall be submitted not later than the Friday following the day 747
the student takes the assessment. 748

(2) The department or an entity with which the department 749
contracts for the scoring of the assessment shall send to each 750
school district board a list of the individual scores of all 751
persons taking a state achievement assessment as follows: 752

(a) Except as provided in division (G) (2) (b) or (c) of 753
this section, within forty-five days after the administration of 754
the assessments prescribed by sections 3301.0710 and 3301.0712 755
of the Revised Code, but in no case shall the scores be returned 756
later than the thirtieth day of June following the 757
administration; 758

(b) In the case of the third-grade English language arts 759
assessment, within forty-five days after the administration of 760
that assessment, but in no case shall the scores be returned 761
later than the fifteenth day of June following the 762
administration; 763

(c) In the case of the writing component of an assessment 764
or end-of-course examination in the area of English language 765
arts, except for the third-grade English language arts 766
assessment, the results may be sent after forty-five days of the 767
administration of the writing component, but in no case shall 768
the scores be returned later than the thirtieth day of June 769
following the administration. 770

(3) For assessments administered under this section by a 771
joint vocational school district, the department or entity shall 772
also send to each city, local, or exempted village school 773
district a list of the individual scores of any students of such 774
city, local, or exempted village school district who are 775
attending school in the joint vocational school district. 776

(H) Individual scores on any assessments administered 777
under this section shall be released by a district board only in 778
accordance with section 3319.321 of the Revised Code and the 779
rules adopted under division (A) of this section. No district 780
board or its employees shall utilize individual or aggregate 781
results in any manner that conflicts with rules for the ethical 782
use of assessments adopted pursuant to division (A) of this 783
section. 784

(I) Except as provided in division (G) of this section, 785
the department or an entity with which the department contracts 786
for the scoring of the assessment shall not release any 787
individual scores on any assessment administered under this 788

section. The state board shall adopt rules to ensure the 789
protection of student confidentiality at all times. The rules 790
may require the use of the data verification codes assigned to 791
students pursuant to division (D) (2) of section 3301.0714 of the 792
Revised Code to protect the confidentiality of student scores. 793

(J) Notwithstanding division (D) of section 3311.52 of the 794
Revised Code, this section does not apply to the board of 795
education of any cooperative education school district except as 796
provided under rules adopted pursuant to this division. 797

(1) In accordance with rules that the state board shall 798
adopt, the board of education of any city, exempted village, or 799
local school district with territory in a cooperative education 800
school district established pursuant to divisions (A) to (C) of 801
section 3311.52 of the Revised Code may enter into an agreement 802
with the board of education of the cooperative education school 803
district for administering any assessment prescribed under this 804
section to students of the city, exempted village, or local 805
school district who are attending school in the cooperative 806
education school district. 807

(2) In accordance with rules that the state board shall 808
adopt, the board of education of any city, exempted village, or 809
local school district with territory in a cooperative education 810
school district established pursuant to section 3311.521 of the 811
Revised Code shall enter into an agreement with the cooperative 812
district that provides for the administration of any assessment 813
prescribed under this section to both of the following: 814

(a) Students who are attending school in the cooperative 815
district and who, if the cooperative district were not 816
established, would be entitled to attend school in the city, 817
local, or exempted village school district pursuant to section 818

3313.64 or 3313.65 of the Revised Code; 819

(b) Persons described in division (B) (8) (b) of this 820
section. 821

Any assessment of students pursuant to such an agreement 822
shall be in lieu of any assessment of such students or persons 823
pursuant to this section. 824

(K) (1) Except as otherwise provided in division (K) (1) or 825
(2) of this section, each chartered nonpublic school for which 826
at least sixty-five per cent of its total enrollment is made up 827
of students who are participating in state scholarship programs 828
shall administer the elementary assessments prescribed by 829
section 3301.0710 of the Revised Code. In accordance with 830
procedures and deadlines prescribed by the department, the 831
parent or guardian of a student enrolled in the school who is 832
not participating in a state scholarship program may submit 833
notice to the chief administrative officer of the school that 834
the parent or guardian does not wish to have the student take 835
the elementary assessments prescribed for the student's grade 836
level under division (A) of section 3301.0710 of the Revised 837
Code. If a parent or guardian submits an opt-out notice, the 838
school shall not administer the assessments to that student. 839
This option does not apply to any assessment required for a high 840
school diploma under section 3313.612 of the Revised Code. 841

(2) A chartered nonpublic school may submit to the 842
superintendent of public instruction a request for a waiver from 843
administering the elementary assessments prescribed by division 844
(A) of section 3301.0710 of the Revised Code. The state 845
superintendent shall approve or disapprove a request for a 846
waiver submitted under division (K) (2) of this section. No 847
waiver shall be approved for any school year prior to the 2015- 848

2016 school year. 849

To be eligible to submit a request for a waiver, a 850
chartered nonpublic school shall meet the following conditions: 851

(a) At least ninety-five per cent of the students enrolled 852
in the school are children with disabilities, as defined under 853
section 3323.01 of the Revised Code, or have received a 854
diagnosis by a school district or from a physician, including a 855
neuropsychiatrist or psychiatrist, or a psychologist who is 856
authorized to practice in this or another state as having a 857
condition that impairs academic performance, such as dyslexia, 858
dyscalculia, attention deficit hyperactivity disorder, or 859
Asperger's syndrome. 860

(b) The school has solely served a student population 861
described in division (K)(1)(a) of this section for at least ten 862
years. 863

(c) The school provides to the department at least five 864
years of records of internal testing conducted by the school 865
that affords the department data required for accountability 866
purposes, including diagnostic assessments and nationally 867
standardized norm-referenced achievement assessments that 868
measure reading and math skills. 869

(3) Any chartered nonpublic school that is not subject to 870
division (K)(1) of this section may participate in the 871
assessment program by administering any of the assessments 872
prescribed by division (A) of section 3301.0710 of the Revised 873
Code. The chief administrator of the school shall specify which 874
assessments the school will administer. Such specification shall 875
be made in writing to the superintendent of public instruction 876
prior to the first day of August of any school year in which 877

assessments are administered and shall include a pledge that the 878
nonpublic school will administer the specified assessments in 879
the same manner as public schools are required to do under this 880
section and rules adopted by the department. 881

(4) The department of education shall furnish the 882
assessments prescribed by section 3301.0710 of the Revised Code 883
to each chartered nonpublic school that is subject to division 884
(K) (1) of this section or participates under division (K) (3) of 885
this section. 886

(L) If a chartered or accredited nonpublic school is 887
educating students in grades nine through twelve, the following 888
shall apply: 889

(1) For a student who is enrolled in a ~~chartered-an~~ 890
accredited nonpublic school ~~that is accredited through the~~ 891
~~independent schools association of the central states~~ and who is 892
attending the school under a state scholarship program, the 893
student shall either take all of the assessments prescribed by 894
division (B) of section 3301.0712 of the Revised Code or take an 895
alternative assessment approved by the department under section 896
3313.619 of the Revised Code. However, a student who is excused 897
from taking an assessment under division (C) of this section or 898
has presented evidence to the ~~chartered~~ accredited nonpublic 899
school of having satisfied the condition prescribed by division 900
(A) (1) of section 3313.618 of the Revised Code to qualify for a 901
high school diploma prior to the date of the administration of 902
the assessment prescribed under division (B) (1) of section 903
3301.0712 of the Revised Code shall not be required to take that 904
assessment. No governing authority of a ~~chartered-an~~ accredited 905
nonpublic school shall prohibit a student who is not required to 906
take such assessment from taking the assessment. 907

(2) For a student who is enrolled in a ~~chartered~~ an accredited nonpublic school ~~that is accredited through the independent schools association of the central states,~~ and who is not attending the school under a state scholarship program, the student shall not be required to take any assessment prescribed under section 3301.0712 or 3313.619 of the Revised Code.

(3) (a) Except as provided in division (L) (3) (b) of this section, for a student who is enrolled in a chartered nonpublic school ~~that is not accredited through the independent schools association of the central states,~~ regardless of whether the student is attending or is not attending the school under a state scholarship program, the student shall do one of the following:

(i) Take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code;

(ii) Take only the assessment prescribed by division (B) (1) of section 3301.0712 of the Revised Code, provided that the student's school publishes the results of that assessment for each graduating class. The published results of that assessment shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code.

(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A) (1) of section 3313.618 of the Revised

Code to qualify for a high school diploma prior to the date of 937
the administration of the assessment prescribed under division 938
(B) (1) of section 3301.0712 of the Revised Code shall not be 939
required to take that assessment. No governing authority of a 940
chartered nonpublic school shall prohibit a student who is not 941
required to take such assessment from taking the assessment. 942

(M) (1) The superintendent of the state school for the 943
blind and the superintendent of the state school for the deaf 944
shall administer the assessments described by sections 3301.0710 945
and 3301.0712 of the Revised Code. Each superintendent shall 946
administer the assessments in the same manner as district boards 947
are required to do under this section and rules adopted by the 948
department of education and in conformity with division (C) (1) 949
(a) of this section. 950

(2) The department of education shall furnish the 951
assessments described by sections 3301.0710 and 3301.0712 of the 952
Revised Code to each superintendent. 953

(N) Notwithstanding division (E) of this section, a school 954
district may use a student's failure to attain a score in at 955
least the proficient range on the mathematics assessment 956
described by division (A) (1) (a) of section 3301.0710 of the 957
Revised Code or on an assessment described by division (A) (1) 958
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 959
Code as a factor in retaining that student in the current grade 960
level. 961

(O) (1) In the manner specified in divisions (O) (3), (4), 962
(6), and (7) of this section, the assessments required by 963
division (A) (1) of section 3301.0710 of the Revised Code shall 964
become public records pursuant to section 149.43 of the Revised 965
Code on the thirty-first day of July following the school year 966

that the assessments were administered. 967

(2) The department may field test proposed questions with 968
samples of students to determine the validity, reliability, or 969
appropriateness of questions for possible inclusion in a future 970
year's assessment. The department also may use anchor questions 971
on assessments to ensure that different versions of the same 972
assessment are of comparable difficulty. 973

Field test questions and anchor questions shall not be 974
considered in computing scores for individual students. Field 975
test questions and anchor questions may be included as part of 976
the administration of any assessment required by division (A) (1) 977
or (B) of section 3301.0710 and division (B) of section 978
3301.0712 of the Revised Code. 979

(3) Any field test question or anchor question 980
administered under division (O) (2) of this section shall not be 981
a public record. Such field test questions and anchor questions 982
shall be redacted from any assessments which are released as a 983
public record pursuant to division (O) (1) of this section. 984

(4) This division applies to the assessments prescribed by 985
division (A) of section 3301.0710 of the Revised Code. 986

(a) The first administration of each assessment, as 987
specified in former section 3301.0712 of the Revised Code, shall 988
be a public record. 989

(b) For subsequent administrations of each assessment 990
prior to the 2011-2012 school year, not less than forty per cent 991
of the questions on the assessment that are used to compute a 992
student's score shall be a public record. The department shall 993
determine which questions will be needed for reuse on a future 994
assessment and those questions shall not be public records and 995

shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (O) (3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public record.

(5) Each assessment prescribed by division (B) (1) of section 3301.0710 of the Revised Code shall not be a public record.

(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. 1025

The entire content of an assessment shall become a public 1026
record within three years of its administration. 1027

The department shall make the questions that become a 1028
public record under this division readily accessible to the 1029
public on the department's web site. Questions on the spring 1030
administration of each assessment shall be released on an annual 1031
basis, in accordance with this division. 1032

(b) No questions and corresponding preferred answers shall 1033
become a public record under division (O) (6) of this section 1034
after July 31, 2017. 1035

(7) Division (O) (7) of this section applies to the 1036
assessments prescribed by division (A) of section 3301.0710 and 1037
division (B) (2) of section 3301.0712 of the Revised Code. 1038

Beginning with the assessments administered in the spring 1039
of the 2017-2018 school year, not less than forty per cent of 1040
the questions on each assessment that are used to compute a 1041
student's score shall be a public record. The department shall 1042
determine which questions will be needed for reuse on a future 1043
assessment and those questions shall not be public records and 1044
shall be redacted from the assessment prior to its release as a 1045
public record. However, for each redacted question, the 1046
department shall inform each city, local, and exempted village 1047
school district of the corresponding statewide academic standard 1048
adopted by the state board under section 3301.079 of the Revised 1049
Code and the corresponding benchmark to which the question 1050
relates. The department is not required to provide corresponding 1051
standards and benchmarks to field test questions that are 1052
redacted under division (O) (3) of this section. 1053

(P) As used in this section:	1054
(1) "Three-year average" means the average of the most recent consecutive three school years of data.	1055 1056
(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.	1057 1058 1059 1060 1061 1062
(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.	1063 1064 1065 1066 1067 1068 1069 1070 1071 1072
(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.	1073 1074 1075 1076 1077 1078 1079 1080
<u>(5) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised</u>	1081 1082

Code. 1083

Sec. 3301.16. Pursuant to standards prescribed by the 1084
state board of education as provided in division (D) of section 1085
3301.07 of the Revised Code, the state board shall classify and 1086
charter school districts and individual schools within each 1087
district except that no charter shall be granted to a nonpublic 1088
school unless the school complies with divisions (K)(1) and (L) 1089
of section 3301.0711, as applicable, and sections 3301.164 and 1090
3313.612 of the Revised Code. 1091

In the course of considering the charter of a new school 1092
district created under section 3311.26 or 3311.38 of the Revised 1093
Code, the state board shall require the party proposing creation 1094
of the district to submit to the board a map, certified by the 1095
county auditor of the county in which the proposed new district 1096
is located, showing the boundaries of the proposed new district. 1097
In the case of a proposed new district located in more than one 1098
county, the map shall be certified by the county auditor of each 1099
county in which the proposed district is located. 1100

The state board shall revoke the charter of any school 1101
district or school which fails to meet the standards for 1102
elementary and high schools as prescribed by the board. The 1103
state board shall also revoke the charter of any nonpublic 1104
school that does not comply with divisions (K)(1) and (L) of 1105
section 3301.0711, if applicable, and sections 3301.164 and 1106
3313.612 of the Revised Code. 1107

In the issuance and revocation of school district or 1108
school charters, the state board shall be governed by the 1109
provisions of Chapter 119. of the Revised Code. 1110

No school district, or individual school operated by a 1111

school district, shall operate without a charter issued by the 1112
state board under this section. 1113

In case a school district charter is revoked pursuant to 1114
this section, the state board may dissolve the school district 1115
and transfer its territory to one or more adjacent districts. An 1116
equitable division of the funds, property, and indebtedness of 1117
the school district shall be made by the state board among the 1118
receiving districts. The board of education of a receiving 1119
district shall accept such territory pursuant to the order of 1120
the state board. Prior to dissolving the school district, the 1121
state board shall notify the appropriate educational service 1122
center governing board and all adjacent school district boards 1123
of education of its intention to do so. Boards so notified may 1124
make recommendations to the state board regarding the proposed 1125
dissolution and subsequent transfer of territory. Except as 1126
provided in section 3301.161 of the Revised Code, the transfer 1127
ordered by the state board shall become effective on the date 1128
specified by the state board, but the date shall be at least 1129
thirty days following the date of issuance of the order. 1130

A high school is one of higher grade than an elementary 1131
school, in which instruction and training are given in 1132
accordance with sections 3301.07 and 3313.60 of the Revised Code 1133
and which also offers other subjects of study more advanced than 1134
those taught in the elementary schools and such other subjects 1135
as may be approved by the state board of education. 1136

An elementary school is one in which instruction and 1137
training are given in accordance with sections 3301.07 and 1138
3313.60 of the Revised Code and which offers such other subjects 1139
as may be approved by the state board of education. In districts 1140
wherein a junior high school is maintained, the elementary 1141

schools in that district may be considered to include only the 1142
work of the first six school years inclusive, plus the 1143
kindergarten year. This section shall not apply to accredited 1144
nonpublic schools described in section 3301.165 of the Revised 1145
Code. 1146

Sec. 3301.162. (A) If the governing authority of a 1147
chartered nonpublic school or an accredited nonpublic school 1148
described in section 3301.165 of the Revised Code intends to 1149
close the school, the governing authority shall notify all of 1150
the following of that intent prior to closing the school: 1151

(1) The department of education; 1152

(2) The school district that receives auxiliary services 1153
funding under division (E) of section 3317.024 of the Revised 1154
Code on behalf of the students enrolled in the school; 1155

(3) The accrediting association that most recently 1156
accredited the school for purposes of chartering the school in 1157
accordance with the rules of the state board of education, if 1158
applicable; 1159

(4) If the school has been designated as a STEM school 1160
equivalent under section 3326.032 of the Revised Code, the STEM 1161
committee established under section 3326.02 of the Revised Code. 1162

The notice shall include the school year and, if possible, 1163
the actual date the school will close. 1164

(B) The chief administrator of each chartered nonpublic 1165
school and each accredited nonpublic school that closes shall 1166
deposit the school's records with either: 1167

(1) The accrediting association that most recently 1168
accredited the school for purposes of chartering the school in 1169

accordance with the rules of the state board, if applicable; 1170

(2) The school district that received auxiliary services 1171
funding under division (E) of section 3317.024 of the Revised 1172
Code on behalf of the students enrolled in the school. 1173

The school district that receives the records may charge 1174
for and receive a one-time reimbursement from auxiliary services 1175
funding under division (E) of section 3317.024 of the Revised 1176
Code for costs the district incurred to store the records. 1177

Sec. 3301.164. Each chartered nonpublic school shall 1178
publish on the school's web site both of the following: 1179

(A) The number of students enrolled in the school by the 1180
last day of October of the current school year; 1181

(B) The school's policy regarding background checks for 1182
teaching and nonteaching employees and for volunteers who have 1183
direct contact with students. 1184

This section shall not apply to accredited nonpublic 1185
schools described in section 3301.165 of the Revised Code. 1186

Sec. 3301.165. (A) The state board of education shall 1187
revoke the charter of any chartered nonpublic school that fails 1188
to do one of the following: 1189

(1) Comply with the operating standards for a school 1190
established under section 3301.07 of the Revised Code; 1191

(2) Maintain accreditation from an association, other than 1192
the independent schools association of the central states, whose 1193
standards have been approved by the state board; 1194

(3) Maintain accreditation from the independent schools 1195
association of the central states. The department of education 1196

shall designate a nonpublic school that maintains eligibility 1197
for a charter under division (A) (3) of this section as an 1198
"accredited nonpublic school." The department shall accept an 1199
affirmation of accreditation only from either the independent 1200
schools association of the central states or an organization 1201
recognized by the department that represents the independent 1202
schools association of the central states. 1203

(B) An accredited nonpublic school shall comply with the 1204
minimum education standards adopted by the state board under 1205
division (D) (2) of section 3301.07 of the Revised Code. However, 1206
the state board shall not prescribe additional operating 1207
standards for accredited nonpublic schools. Unless otherwise 1208
specifically required in the Revised Code, an accredited 1209
nonpublic school shall be exempt from any requirement to which a 1210
chartered nonpublic school is subject under Title XXXIII of the 1211
Revised Code. 1212

(C) To ensure that an accredited nonpublic school or a 1213
school in the process of being accredited by the independent 1214
schools association of the central states is providing an 1215
education of high quality, the department may do both of the 1216
following: 1217

(1) Send a representative to accompany an accrediting team 1218
from the independent schools association of the central states 1219
on any site visit to observe the activities and the report of 1220
the accrediting team; 1221

(2) Request a copy of the report by the independent 1222
schools association of the central states that is issued as part 1223
of the accreditation cycle of a school. 1224

(D) An accredited nonpublic school shall cooperate with 1225

the department in the department's execution of division (C) of 1226
this section. If an accredited nonpublic school fails to comply 1227
with this division, the department shall revoke the school's 1228
designation as an accredited nonpublic school, and the school 1229
shall be considered a chartered nonpublic school as long as it 1230
maintains eligibility for a charter under division (A) (1) or (2) 1231
of this section. 1232

(E) Any accredited nonpublic school that fails to maintain 1233
a full accreditation from the independent schools association of 1234
the central states shall be considered a chartered nonpublic 1235
school, as long as it maintains eligibility for a charter under 1236
division (A) (1) or (2) of this section, and shall be required to 1237
comply with all laws applicable to chartered nonpublic schools. 1238

(F) The department of education shall not create ratings 1239
or any type of report card for accredited nonpublic schools. 1240

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 1241
the Revised Code: 1242

(A) "Preschool program" means either of the following: 1243

(1) A child care program for preschool children that is 1244
operated by a school district board of education or an eligible 1245
nonpublic school. 1246

(2) A child care program for preschool children age three 1247
or older that is operated by a county board of developmental 1248
disabilities or a community school. 1249

(B) "Preschool child" or "child" means a child who has not 1250
entered kindergarten and is not of compulsory school age. 1251

(C) "Parent, guardian, or custodian" means the person or 1252
government agency that is or will be responsible for a child's 1253

school attendance under section 3321.01 of the Revised Code.	1254
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	1255 1256 1257
(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.	1258 1259 1260 1261
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	1262 1263 1264
(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.	1265 1266 1267 1268
(H) "Eligible nonpublic school" means <u>an accredited nonpublic school described in section 3301.165 of the Revised Code,</u> a nonpublic school chartered as described in division (B) (8) of section 5104.02 of the Revised Code, <u>or a nonpublic school</u> chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.	1269 1270 1271 1272 1273 1274 1275
(I) "School child program" means a child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school.	1276 1277 1278 1279
(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.	1280 1281 1282

(K) "School child program staff member" means an employee 1283
whose primary responsibility is the care, teaching, or 1284
supervision of children in a school child program. 1285

(L) "Child care" means administering to the needs of 1286
infants, toddlers, preschool children, and school children 1287
outside of school hours by persons other than their parents or 1288
guardians, custodians, or relatives by blood, marriage, or 1289
adoption for any part of the twenty-four-hour day in a place or 1290
residence other than a child's own home. 1291

(M) "Child day-care center," "publicly funded child care," 1292
and "school-age child care center" have the same meanings as in 1293
section 5104.01 of the Revised Code. 1294

(N) "Community school" means either of the following: 1295

(1) A community school established under Chapter 3314. of 1296
the Revised Code that is sponsored by an entity that is rated 1297
"exemplary" under section 3314.016 of the Revised Code. 1298

(2) A community school established under Chapter 3314. of 1299
the Revised Code that has received, on its most recent report 1300
card, either of the following: 1301

(a) If the school offers any of grade levels four through 1302
twelve, a grade of "C" or better for the overall value-added 1303
progress dimension under division (C) (1) (e) of section 3302.03 1304
of the Revised Code and for the performance index score under 1305
division (C) (1) (b) of section 3302.03 of the Revised Code; 1306

(b) If the school does not offer a grade level higher than 1307
three, a grade of "C" or better for making progress in improving 1308
literacy in grades kindergarten through three under division (C) 1309
(1) (g) of section 3302.03 of the Revised Code. 1310

Sec. 3301.541. (A) (1) The director, head teacher, 1311
elementary principal, or site administrator of a preschool 1312
program shall request the superintendent of the bureau of 1313
criminal identification and investigation to conduct a criminal 1314
records check with respect to any applicant who has applied to 1315
the preschool program for employment as a person responsible for 1316
the care, custody, or control of a child. If the applicant does 1317
not present proof that the applicant has been a resident of this 1318
state for the five-year period immediately prior to the date 1319
upon which the criminal records check is requested or does not 1320
provide evidence that within that five-year period the 1321
superintendent has requested information about the applicant 1322
from the federal bureau of investigation in a criminal records 1323
check, the director, head teacher, or elementary principal shall 1324
request that the superintendent obtain information from the 1325
federal bureau of investigation as a part of the criminal 1326
records check for the applicant. If the applicant presents proof 1327
that the applicant has been a resident of this state for that 1328
five-year period, the director, head teacher, or elementary 1329
principal may request that the superintendent include 1330
information from the federal bureau of investigation in the 1331
criminal records check. 1332

(2) Any director, head teacher, elementary principal, or 1333
site administrator required by division (A) (1) of this section 1334
to request a criminal records check shall provide to each 1335
applicant a copy of the form prescribed pursuant to division (C) 1336
(1) of section 109.572 of the Revised Code, provide to each 1337
applicant a standard impression sheet to obtain fingerprint 1338
impressions prescribed pursuant to division (C) (2) of section 1339
109.572 of the Revised Code, obtain the completed form and 1340
impression sheet from each applicant, and forward the completed 1341

form and impression sheet to the superintendent of the bureau of 1342
criminal identification and investigation at the time the person 1343
requests a criminal records check pursuant to division (A) (1) of 1344
this section. 1345

(3) Any applicant who receives pursuant to division (A) (2) 1346
of this section a copy of the form prescribed pursuant to 1347
division (C) (1) of section 109.572 of the Revised Code and a 1348
copy of an impression sheet prescribed pursuant to division (C) 1349
(2) of that section and who is requested to complete the form 1350
and provide a set of fingerprint impressions shall complete the 1351
form or provide all the information necessary to complete the 1352
form and provide the impression sheet with the impressions of 1353
the applicant's fingerprints. If an applicant, upon request, 1354
fails to provide the information necessary to complete the form 1355
or fails to provide impressions of the applicant's fingerprints, 1356
the preschool program shall not employ that applicant for any 1357
position for which a criminal records check is required by 1358
division (A) (1) of this section. 1359

(B) (1) Except as provided in rules adopted by the 1360
department of education in accordance with division (E) of this 1361
section, no preschool program shall employ a person as a person 1362
responsible for the care, custody, or control of a child if the 1363
person previously has been convicted of or pleaded guilty to any 1364
of the following: 1365

(a) A violation of section 2903.01, 2903.02, 2903.03, 1366
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1367
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1368
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1369
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1370
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 1371

2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 1372
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 1373
section 2905.04 of the Revised Code as it existed prior to July 1374
1, 1996, a violation of section 2919.23 of the Revised Code that 1375
would have been a violation of section 2905.04 of the Revised 1376
Code as it existed prior to July 1, 1996, had the violation 1377
occurred prior to that date, a violation of section 2925.11 of 1378
the Revised Code that is not a minor drug possession offense, or 1379
felonious sexual penetration in violation of former section 1380
2907.12 of the Revised Code; 1381

(b) A violation of an existing or former law of this 1382
state, any other state, or the United States that is 1383
substantially equivalent to any of the offenses or violations 1384
described in division (B) (1) (a) of this section. 1385

(2) A preschool program may employ an applicant 1386
conditionally until the criminal records check required by this 1387
section is completed and the preschool program receives the 1388
results of the criminal records check. If the results of the 1389
criminal records check indicate that, pursuant to division (B) 1390
(1) of this section, the applicant does not qualify for 1391
employment, the preschool program shall release the applicant 1392
from employment. 1393

(C) (1) Each preschool program shall pay to the bureau of 1394
criminal identification and investigation the fee prescribed 1395
pursuant to division (C) (3) of section 109.572 of the Revised 1396
Code for each criminal records check conducted in accordance 1397
with that section upon the request pursuant to division (A) (1) 1398
of this section of the director, head teacher, elementary 1399
principal, or site administrator of the preschool program. 1400

(2) A preschool program may charge an applicant a fee for 1401

the costs it incurs in obtaining a criminal records check under 1402
this section. A fee charged under this division shall not exceed 1403
the amount of fees the preschool program pays under division (C) 1404
(1) of this section. If a fee is charged under this division, 1405
the preschool program shall notify the applicant at the time of 1406
the applicant's initial application for employment of the amount 1407
of the fee and that, unless the fee is paid, the applicant will 1408
not be considered for employment. 1409

(D) The report of any criminal records check conducted by 1410
the bureau of criminal identification and investigation in 1411
accordance with section 109.572 of the Revised Code and pursuant 1412
to a request under division (A) (1) of this section is not a 1413
public record for the purposes of section 149.43 of the Revised 1414
Code and shall not be made available to any person other than 1415
the applicant who is the subject of the criminal records check 1416
or the applicant's representative, the preschool program 1417
requesting the criminal records check or its representative, and 1418
any court, hearing officer, or other necessary individual in a 1419
case dealing with the denial of employment to the applicant. 1420

(E) The department of education shall adopt rules pursuant 1421
to Chapter 119. of the Revised Code to implement this section, 1422
including rules specifying circumstances under which a preschool 1423
program may hire a person who has been convicted of an offense 1424
listed in division (B) (1) of this section but who meets 1425
standards in regard to rehabilitation set by the department. 1426

(F) Any person required by division (A) (1) of this section 1427
to request a criminal records check shall inform each person, at 1428
the time of the person's initial application for employment, 1429
that the person is required to provide a set of impressions of 1430
the person's fingerprints and that a criminal records check is 1431

required to be conducted and satisfactorily completed in 1432
accordance with section 109.572 of the Revised Code if the 1433
person comes under final consideration for appointment or 1434
employment as a precondition to employment for that position. 1435

(G) As used in this section: 1436

(1) "Applicant" means a person who is under final 1437
consideration for appointment or employment in a position with a 1438
preschool program as a person responsible for the care, custody, 1439
or control of a child, except that "applicant" does not include 1440
a person already employed by a board of education, community 1441
school, ~~or~~ chartered nonpublic school, or accredited nonpublic 1442
school described in section 3301.165 of the Revised Code in a 1443
position of care, custody, or control of a child who is under 1444
consideration for a different position with such board or 1445
school. 1446

(2) "Criminal records check" has the same meaning as in 1447
section 109.572 of the Revised Code. 1448

(3) "Minor drug possession offense" has the same meaning 1449
as in section 2925.01 of the Revised Code. 1450

(H) If the board of education of a local school district 1451
adopts a resolution requesting the assistance of the educational 1452
service center in which the local district has territory in 1453
conducting criminal records checks of substitute teachers under 1454
this section, the appointing or hiring officer of such 1455
educational service center governing board shall serve for 1456
purposes of this section as the appointing or hiring officer of 1457
the local board in the case of hiring substitute teachers for 1458
employment in the local district. 1459

Sec. 3302.07. (A) The board of education of any school 1460

district, the governing board of any educational service center, 1461
or the administrative authority of any chartered nonpublic 1462
school or any accredited nonpublic school described in section 1463
3301.165 of the Revised Code may submit to the state board of 1464
education an application proposing an innovative education pilot 1465
program the implementation of which requires exemptions from 1466
specific statutory provisions or rules. If a district or service 1467
center board employs teachers under a collective bargaining 1468
agreement adopted pursuant to Chapter 4117. of the Revised Code, 1469
any application submitted under this division shall include the 1470
written consent of the teachers' employee representative 1471
designated under division (B) of section 4117.04 of the Revised 1472
Code. The exemptions requested in the application shall be 1473
limited to any requirement of Title XXXIII of the Revised Code 1474
or of any rule of the state board adopted pursuant to that title 1475
except that the application may not propose an exemption from 1476
any requirement of or rule adopted pursuant to Chapter 3307. or 1477
3309., sections 3319.07 to 3319.21, or Chapter 3323. of the 1478
Revised Code. Furthermore, an exemption from any operating 1479
standard adopted under division (B) (2) or (D) of section 3301.07 1480
of the Revised Code shall be granted only pursuant to a waiver 1481
granted by the superintendent of public instruction under 1482
division (O) of that section. 1483

(B) The state board of education shall accept any 1484
application submitted in accordance with division (A) of this 1485
section. The superintendent of public instruction shall approve 1486
or disapprove the application in accordance with standards for 1487
approval, which shall be adopted by the state board. 1488

(C) The superintendent of public instruction shall exempt 1489
each district or service center board or chartered or accredited 1490
nonpublic school administrative authority with an application 1491

approved under division (B) of this section for a specified 1492
period from the statutory provisions or rules specified in the 1493
approved application. The period of exemption shall not exceed 1494
the period during which the pilot program proposed in the 1495
application is being implemented and a reasonable period to 1496
allow for evaluation of the effectiveness of the program. 1497

Sec. 3302.41. As used in this section, "blended learning" 1498
has the same meaning as in section 3301.079 of the Revised Code. 1499

(A) Any local, city, exempted village, or joint vocational 1500
school district, community school established under Chapter 1501
3314. of the Revised Code, STEM school established under Chapter 1502
3326. of the Revised Code, college-preparatory boarding school 1503
established under Chapter 3328. of the Revised Code, ~~or~~ 1504
chartered nonpublic school, or accredited nonpublic school 1505
described in section 3301.165 of the Revised Code may operate 1506
all or part of a school using a blended learning model. If a 1507
school is operated using a blended learning model or is to cease 1508
operating using a blended learning model, the superintendent of 1509
the school or district or director of the school shall notify 1510
the department of education of that fact not later than the 1511
first day of July of the school year for which the change is 1512
effective. If any school district school, community school, or 1513
STEM school is already operated using a blended learning model 1514
~~on the effective date of this section~~ September 24, 2012, the 1515
superintendent of the school or district may notify the 1516
department within ninety days after ~~the effective date of this~~ 1517
~~section~~ by December 23, 2012, of that fact and request that the 1518
school be classified as a blended learning school. 1519

(B) The state board of education shall revise any 1520
operating standards for school districts and chartered nonpublic 1521

schools adopted under section 3301.07 of the Revised Code to 1522
include standards for the operation of blended learning under 1523
this section. The blended learning operation standards shall 1524
provide for all of the following: 1525

(1) Student-to-teacher ratios whereby no school or 1526
classroom is required to have more than one teacher for every 1527
one hundred twenty-five students in blended learning classrooms; 1528

(2) The extent to which the school is or is not obligated 1529
to provide students with access to digital learning tools; 1530

(3) The ability of all students, at any grade level, to 1531
earn credits or advance grade levels upon demonstrating mastery 1532
of knowledge or skills through competency-based learning models. 1533
Credits or grade level advancement shall not be based on a 1534
minimum number of days or hours in a classroom. 1535

(4) An exemption from minimum school year or school day 1536
requirements in sections 3313.48 and 3313.481 of the Revised 1537
Code; 1538

(5) Adequate provisions for: the licensing of teachers, 1539
administrators, and other professional personnel and their 1540
assignment according to training and qualifications; efficient 1541
and effective instructional materials and equipment, including 1542
library facilities; the proper organization, administration, and 1543
supervision of each school, including regulations for preparing 1544
all necessary records and reports and the preparation of a 1545
statement of policies and objectives for each school; buildings, 1546
grounds, and health and sanitary facilities and services; 1547
admission of pupils, and such requirements for their promotion 1548
from grade to grade as will ensure that they are capable and 1549
prepared for the level of study to which they are certified; 1550

requirements for graduation; and such other factors as the board
finds necessary.

(C) An internet- or computer-based community school, as
defined in section 3314.02 of the Revised Code, is not a blended
learning school authorized under this section. Nor does this
section affect any provisions for the operation of and payments
to an internet- or computer-based community school prescribed in
Chapter 3314. of the Revised Code.

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of
the Revised Code:

(A) "Chartered nonpublic school" ~~means a~~ includes both of
the following:

(1) A nonpublic school that holds a valid charter issued
by the state board of education under section 3301.16 of the
Revised Code and meets the standards established for such
schools in rules adopted by the state board;

(2) An accredited nonpublic school as described in section
3301.165 of the Revised Code.

(B) An "eligible student" is a student who satisfies the
conditions specified in section 3310.03 or 3310.032 of the
Revised Code.

(C) "Parent" has the same meaning as in section 3313.98 of
the Revised Code.

(D) "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.

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

Sec. 3312.01. (A) The educational regional service system 1579
is hereby established. The system shall support state and 1580
regional education initiatives and efforts to improve school 1581
effectiveness and student achievement. Services, including 1582
special education and related services, shall be provided under 1583
the system to school districts, community schools established 1584
under Chapter 3314. of the Revised Code, ~~and~~ chartered nonpublic 1585
schools, and accredited nonpublic schools described in section 1586
3301.165 of the Revised Code. 1587

It is the intent of the general assembly that the 1588
educational regional service system reduce the unnecessary 1589
duplication of programs and services and provide for a more 1590
streamlined and efficient delivery of educational services 1591
without reducing the availability of the services needed by 1592
school districts and schools. 1593

(B) The educational regional service system shall consist 1594
of the following: 1595

(1) The advisory councils and subcommittees established 1596
under sections 3312.03 and 3312.05 of the Revised Code; 1597

(2) A fiscal agent for each of the regions as configured 1598
under section 3312.02 of the Revised Code; 1599

(3) Educational service centers, information technology 1600
centers established under section 3301.075 of the Revised Code, 1601
and other regional education service providers. 1602

(C) Educational service centers shall provide the services 1603
that they are specifically required to provide by the Revised 1604
Code and may enter into agreements pursuant to section 3313.843, 1605
3313.844, or 3313.845 of the Revised Code for the provision of 1606
other services, which may include any of the following: 1607

- (1) Assistance in improving student performance; 1608
- (2) Services to enable a school district or school to 1609
operate more efficiently or economically; 1610
- (3) Professional development for teachers or 1611
administrators; 1612
- (4) Assistance in the recruitment and retention of 1613
teachers and administrators; 1614
- (5) Any other educational, administrative, or operational 1615
services. 1616
- In addition to implementing state and regional education 1617
initiatives and school improvement efforts under the educational 1618
regional service system, educational service centers shall 1619
implement state or federally funded initiatives assigned to the 1620
service centers by the general assembly or the department of 1621
education. 1622
- Any educational service center selected to be a fiscal 1623
agent for its region pursuant to section 3312.07 of the Revised 1624
Code shall continue to operate as an educational service center 1625
for the part of the region that comprises its territory. 1626
- (D) Information technology centers may enter into 1627
agreements for the provision of services pursuant to section 1628
3312.10 of the Revised Code. 1629
- (E) No school district, community school, or chartered or 1630
accredited nonpublic school shall be required to purchase 1631
services from an educational service center or information 1632
technology center in the region in which the district or school 1633
is located, except that a local school district shall receive 1634
any services required by the Revised Code to be provided by an 1635

educational service center to the local school districts in its 1636
territory from the educational service center in whose territory 1637
the district is located. 1638

Sec. 3312.04. The advisory council of each region of the 1639
educational regional service system shall do all of the 1640
following: 1641

(A) Identify regional needs and priorities for educational 1642
services to inform the department of education in the 1643
development of the performance contracts entered into by the 1644
fiscal agent of the region under section 3312.08 of the Revised 1645
Code; 1646

(B) Develop policies to coordinate the delivery of 1647
services to school districts, community schools, and chartered 1648
and accredited nonpublic schools in a manner that responds to 1649
regional needs and priorities. Such policies shall not supersede 1650
any requirement of a performance contract entered into by the 1651
fiscal agent of the region under section 3312.08 of the Revised 1652
Code. 1653

(C) Make recommendations to the fiscal agent for the 1654
region regarding the expenditure of funds available to the 1655
region for implementation of state and regional education 1656
initiatives and school improvement efforts; 1657

(D) Monitor implementation of state and regional education 1658
initiatives and school improvement efforts by educational 1659
service centers, information technology centers, and other 1660
regional service providers to ensure that the terms of the 1661
performance contracts entered into by the fiscal agent for the 1662
region under section 3312.08 of the Revised Code are being met; 1663

(E) Establish an accountability system to evaluate the 1664

advisory council on its performance of the duties described in 1665
divisions (A) to (D) of this section. 1666

Sec. 3312.05. (A) The advisory council of each region of 1667
the educational regional service system shall establish the 1668
following specialized subcommittees of the council: 1669

(1) A school improvement subcommittee, which shall include 1670
one classroom teacher appointed jointly by the Ohio education 1671
association and the Ohio federation of teachers and 1672
representatives of community schools and education personnel 1673
with expertise in the area of school improvement; 1674

(2) An education technology subcommittee, which shall 1675
include classroom teachers or curriculum coordinators, parents, 1676
elementary and secondary school principals, representatives of 1677
chartered or accredited nonpublic schools, representatives of 1678
information technology centers, representatives of business, and 1679
representatives of two-year and four-year institutions of higher 1680
education; 1681

(3) A professional development subcommittee, which shall 1682
include classroom teachers, principals, school district 1683
superintendents, curriculum coordinators, representatives of 1684
chartered or accredited nonpublic schools, and representatives 1685
of two-year and four-year institutions of higher education; 1686

(4) A special education subcommittee, which shall consist 1687
of one classroom teacher appointed jointly by the Ohio education 1688
association and the Ohio federation of teachers and the members 1689
of the governing board of the special education regional 1690
resource center in the region; 1691

(5) An information technology center subcommittee, which 1692
shall consist of one classroom teacher appointed jointly by the 1693

Ohio education association and the Ohio federation of teachers; 1694
the administrator, or the administrator's designee, of each 1695
information technology center providing services in the region; 1696
and two school district administrators appointed by each 1697
information technology center providing services in the region. 1698

(B) The advisory council shall appoint persons who reside 1699
or practice their occupations in the region to serve on the 1700
subcommittees established under divisions (A) (1) to (3) of this 1701
section. If the advisory council is unable to appoint such a 1702
person to a subcommittee, the council shall appoint a similarly 1703
situated person from an adjacent region. 1704

(C) An advisory council may establish additional 1705
subcommittees as needed to address topics of interest to the 1706
council. Members of any additional subcommittee shall be 1707
appointed by the advisory council and shall include a diverse 1708
range of classroom teachers and other education personnel with 1709
expertise in the topic addressed by the subcommittee and 1710
representatives of individuals or groups with an interest in the 1711
topic. 1712

(D) Any member of an advisory council may participate in 1713
the deliberations of any subcommittee established by the 1714
council. 1715

Sec. 3312.09. (A) Each performance contract entered into 1716
by the department of education and the fiscal agent of a region 1717
for implementation of a state or regional education initiative 1718
or school improvement effort shall include the following: 1719

(1) An explanation of how the regional needs and 1720
priorities for educational services have been identified by the 1721
advisory council of the region, the advisory council's 1722

subcommittees, and the department;	1723
(2) A definition of the services to be provided to school districts, community schools, and chartered <u>and accredited</u> nonpublic schools in the region, including any services provided pursuant to division (A) of section 3302.04 of the Revised Code;	1724 1725 1726 1727
(3) Expected outcomes from the provision of the services defined in the contract;	1728 1729
(4) The method the department will use to evaluate whether the expected outcomes have been achieved;	1730 1731
(5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory;	1732 1733 1734
(6) Data reporting requirements;	1735
(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.	1736 1737 1738 1739 1740
(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site.	1741 1742 1743
Sec. 3313.206. Each board of education that establishes or maintains a mcgruff house program shall use the mcgruff house symbol adopted by the division of criminal justice services in the state department of public safety under section 5502.62 of the Revised Code and instruct volunteers participating in the program to use only that symbol. Each board of education that establishes a mcgruff house program on or after July 1, 2007,	1744 1745 1746 1747 1748 1749 1750

shall do so in accordance with the rules adopted under section 1751
5502.62 of the Revised Code. Any chartered nonpublic school 1752
within a school district, or any accredited nonpublic school 1753
described in section 3301.165 of the Revised Code and located 1754
within a school district, may participate in that district's 1755
mcgruff house program upon furnishing a written statement to the 1756
district's board of education and to the division of criminal 1757
justice services in the state department of public safety to the 1758
effect that the nonpublic school will abide by the rules of the 1759
district's mcgruff house program. A chartered or an accredited 1760
nonpublic school that participates in a school district's 1761
mcgruff house program may request technical assistance from the 1762
division of criminal justice services. 1763

At the request of a board of education, law enforcement 1764
authorities with jurisdiction in any of the territory of a 1765
school district that maintains a mcgruff house program shall 1766
assist the board of education of the district or a participating 1767
chartered or accredited nonpublic school in checking the 1768
criminal records of individuals and families that volunteer to 1769
participate in the district's mcgruff house program. 1770

Sec. 3313.41. (A) Except as provided in divisions (C), 1771
(D), and (F) of this section and in sections 3313.412 and 1772
3313.413 of the Revised Code, when a board of education decides 1773
to dispose of real or personal property that it owns in its 1774
corporate capacity and that exceeds in value ten thousand 1775
dollars, it shall sell the property at public auction, after 1776
giving at least thirty days' notice of the auction by 1777
publication in a newspaper of general circulation in the school 1778
district, by publication as provided in section 7.16 of the 1779
Revised Code, or by posting notices in five of the most public 1780
places in the school district in which the property, if it is 1781

real property, is situated, or, if it is personal property, in 1782
the school district of the board of education that owns the 1783
property. The board may offer real property for sale as an 1784
entire tract or in parcels. 1785

(B) When the board of education has offered real or 1786
personal property for sale at public auction at least once 1787
pursuant to division (A) of this section, and the property has 1788
not been sold, the board may sell it at a private sale. 1789
Regardless of how it was offered at public auction, at a private 1790
sale, the board shall, as it considers best, sell real property 1791
as an entire tract or in parcels, and personal property in a 1792
single lot or in several lots. 1793

(C) If a board of education decides to dispose of real or 1794
personal property that it owns in its corporate capacity and 1795
that exceeds in value ten thousand dollars, it may sell the 1796
property to the adjutant general; to any subdivision or taxing 1797
authority as respectively defined in section 5705.01 of the 1798
Revised Code, township park district, board of park 1799
commissioners established under Chapter 755. of the Revised 1800
Code, or park district established under Chapter 1545. of the 1801
Revised Code; to a wholly or partially tax-supported university, 1802
university branch, or college; to a nonprofit institution of 1803
higher education that has a certificate of authorization under 1804
Chapter 1713. of the Revised Code; to the governing authority of 1805
a chartered nonpublic school or an accredited nonpublic school 1806
described in section 3301.165 of the Revised Code; or to the 1807
board of trustees of a school district library, upon such terms 1808
as are agreed upon. The sale of real or personal property to the 1809
board of trustees of a school district library is limited, in 1810
the case of real property, to a school district library within 1811
whose boundaries the real property is situated, or, in the case 1812

of personal property, to a school district library whose 1813
boundaries lie in whole or in part within the school district of 1814
the selling board of education. 1815

(D) When a board of education decides to trade as a part 1816
or an entire consideration, an item of personal property on the 1817
purchase price of an item of similar personal property, it may 1818
trade the same upon such terms as are agreed upon by the parties 1819
to the trade. 1820

(E) The president and the treasurer of the board of 1821
education shall execute and deliver deeds or other necessary 1822
instruments of conveyance to complete any sale or trade under 1823
this section. 1824

(F) When a board of education has identified a parcel of 1825
real property that it determines is needed for school purposes, 1826
the board may, upon a majority vote of the members of the board, 1827
acquire that property by exchanging real property that the board 1828
owns in its corporate capacity for the identified real property 1829
or by using real property that the board owns in its corporate 1830
capacity as part or an entire consideration for the purchase 1831
price of the identified real property. Any exchange or 1832
acquisition made pursuant to this division shall be made by a 1833
conveyance executed by the president and the treasurer of the 1834
board. 1835

(G) When a school district board of education has property 1836
that the board, by resolution, finds is not needed for school 1837
district use, is obsolete, or is unfit for the use for which it 1838
was acquired, the board may donate that property in accordance 1839
with this division if the fair market value of the property is, 1840
in the opinion of the board, two thousand five hundred dollars 1841
or less. 1842

The property may be donated to an eligible nonprofit 1843
organization that is located in this state and is exempt from 1844
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 1845
Before donating any property under this division, the board 1846
shall adopt a resolution expressing its intent to make unneeded, 1847
obsolete, or unfit-for-use school district property available to 1848
these organizations. The resolution shall include guidelines and 1849
procedures the board considers to be necessary to implement the 1850
donation program and shall indicate whether the school district 1851
will conduct the donation program or the board will contract 1852
with a representative to conduct it. If a representative is 1853
known when the resolution is adopted, the resolution shall 1854
provide contact information such as the representative's name, 1855
address, and telephone number. 1856

The resolution shall include within its procedures a 1857
requirement that any nonprofit organization desiring to obtain 1858
donated property under this division shall submit a written 1859
notice to the board or its representative. The written notice 1860
shall include evidence that the organization is a nonprofit 1861
organization that is located in this state and is exempt from 1862
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); 1863
a description of the organization's primary purpose; a 1864
description of the type or types of property the organization 1865
needs; and the name, address, and telephone number of a person 1866
designated by the organization's governing board to receive 1867
donated property and to serve as its agent. 1868

After adoption of the resolution, the board shall publish, 1869
in a newspaper of general circulation in the school district or 1870
as provided in section 7.16 of the Revised Code, notice of its 1871
intent to donate unneeded, obsolete, or unfit-for-use school 1872
district property to eligible nonprofit organizations. The 1873

notice shall include a summary of the information provided in 1874
the resolution and shall be published twice. The second notice 1875
shall be published not less than ten nor more than twenty days 1876
after the previous notice. A similar notice also shall be posted 1877
continually in the board's office. If the school district 1878
maintains a web site on the internet, the notice shall be posted 1879
continually at that web site. 1880

The board or its representatives shall maintain a list of 1881
all nonprofit organizations that notify the board or its 1882
representative of their desire to obtain donated property under 1883
this division and that the board or its representative 1884
determines to be eligible, in accordance with the requirements 1885
set forth in this section and in the donation program's 1886
guidelines and procedures, to receive donated property. 1887

The board or its representative also shall maintain a list 1888
of all school district property the board finds to be unneeded, 1889
obsolete, or unfit for use and to be available for donation 1890
under this division. The list shall be posted continually in a 1891
conspicuous location in the board's office, and, if the school 1892
district maintains a web site on the internet, the list shall be 1893
posted continually at that web site. An item of property on the 1894
list shall be donated to the eligible nonprofit organization 1895
that first declares to the board or its representative its 1896
desire to obtain the item unless the board previously has 1897
established, by resolution, a list of eligible nonprofit 1898
organizations that shall be given priority with respect to the 1899
item's donation. Priority may be given on the basis that the 1900
purposes of a nonprofit organization have a direct relationship 1901
to specific school district purposes of programs provided or 1902
administered by the board. A resolution giving priority to 1903
certain nonprofit organizations with respect to the donation of 1904

an item of property shall specify the reasons why the 1905
organizations are given that priority. 1906

Members of the board shall consult with the Ohio ethics 1907
commission, and comply with Chapters 102. and 2921. of the 1908
Revised Code, with respect to any donation under this division 1909
to a nonprofit organization of which a board member, any member 1910
of a board member's family, or any business associate of a board 1911
member is a trustee, officer, board member, or employee. 1912

Sec. 3313.48. (A) The board of education of each city, 1913
exempted village, local, and joint vocational school district 1914
shall provide for the free education of the youth of school age 1915
within the district under its jurisdiction, at such places as 1916
will be most convenient for the attendance of the largest number 1917
thereof. Each school so provided ~~and~~, each chartered nonpublic 1918
school, and each accredited nonpublic school described in 1919
section 3301.165 of the Revised Code shall be open for 1920
instruction with pupils in attendance, including scheduled 1921
classes, supervised activities, and approved education options 1922
but excluding lunch and breakfast periods and extracurricular 1923
activities, for not less than four hundred fifty-five hours in 1924
the case of pupils in kindergarten unless such pupils are 1925
provided all-day kindergarten, as defined in section 3321.05 of 1926
the Revised Code, in which case the pupils shall be in 1927
attendance for nine hundred ten hours; nine hundred ten hours in 1928
the case of pupils in grades one through six; and one thousand 1929
one hours in the case of pupils in grades seven through twelve 1930
in each school year, which may include all of the following: 1931

(1) Up to the equivalent of two school days per year 1932
during which pupils would otherwise be in attendance but are not 1933
required to attend for the purpose of individualized parent- 1934

teacher conferences and reporting periods; 1935

(2) Up to the equivalent of two school days per year 1936
during which pupils would otherwise be in attendance but are not 1937
required to attend for professional meetings of teachers; 1938

(3) Morning and afternoon recess periods of not more than 1939
fifteen minutes duration per period for pupils in grades 1940
kindergarten through six. 1941

(B) Not later than thirty days prior to adopting a school 1942
calendar, the board of education of each city, exempted village, 1943
and local school district shall hold a public hearing on the 1944
school calendar, addressing topics that include, but are not 1945
limited to, the total number of hours in a school year, length 1946
of school day, and beginning and end dates of instruction. 1947

(C) No school operated by a city, exempted village, local, 1948
or joint vocational school district shall reduce the number of 1949
hours in each school year that the school is scheduled to be 1950
open for instruction from the number of hours per year the 1951
school was open for instruction during the previous school year 1952
unless the reduction is approved by a resolution adopted by the 1953
district board of education. Any reduction so approved shall not 1954
result in fewer hours of instruction per school year than the 1955
applicable number of hours required under division (A) of this 1956
section. 1957

(D) Prior to making any change in the hours or days in 1958
which a high school under its jurisdiction is open for 1959
instruction, the board of education of each city, exempted 1960
village, and local school district shall consider the 1961
compatibility of the proposed change with the scheduling needs 1962
of any joint vocational school district in which any of the high 1963

school's students are also enrolled. The board shall consider 1964
the impact of the proposed change on student access to the 1965
instructional programs offered by the joint vocational school 1966
district, incentives for students to participate in career- 1967
technical education, transportation, and the timing of 1968
graduation. The board shall provide the joint vocational school 1969
district board with advance notice of the proposed change and 1970
the two boards shall enter into a written agreement prescribing 1971
reasonable accommodations to meet the scheduling needs of the 1972
joint vocational school district prior to implementation of the 1973
change. 1974

(E) Prior to making any change in the hours or days in 1975
which a school under its jurisdiction is open for instruction, 1976
the board of education of each city, exempted village, and local 1977
school district shall consider the compatibility of the proposed 1978
change with the scheduling needs of any community school 1979
established under Chapter 3314. of the Revised Code to which the 1980
district is required to transport students under sections 1981
3314.09 and 3327.01 of the Revised Code. The board shall 1982
consider the impact of the proposed change on student access to 1983
the instructional programs offered by the community school, 1984
transportation, and the timing of graduation. The board shall 1985
provide the sponsor, governing authority, and operator of the 1986
community school with advance notice of the proposed change, and 1987
the board and the governing authority, or operator if such 1988
authority is delegated to the operator, shall enter into a 1989
written agreement prescribing reasonable accommodations to meet 1990
the scheduling needs of the community school prior to 1991
implementation of the change. 1992

(F) Prior to making any change in the hours or days in 1993
which the schools under its jurisdiction are open for 1994

instruction, the board of education of each city, exempted 1995
village, and local school district shall consult with the 1996
chartered and accredited nonpublic schools to which the district 1997
is required to transport students under section 3327.01 of the 1998
Revised Code and shall consider the effect of the proposed 1999
change on the schedule for transportation of those students to 2000
their nonpublic schools. The governing authority of a chartered 2001
or an accredited nonpublic school shall consult with each school 2002
district board of education that transports students to the 2003
chartered nonpublic school under section 3327.01 of the Revised 2004
Code prior to making any change in the hours or days in which 2005
the nonpublic school is open for instruction. 2006

(G) The state board of education shall not adopt or 2007
enforce any rule or standard that imposes on chartered or 2008
accredited nonpublic schools the procedural requirements imposed 2009
on school districts by divisions (B), (C), (D), and (E) of this 2010
section. 2011

Sec. 3313.481. Wherever in Title XXXIII of the Revised 2012
Code the term "school day" is used, unless otherwise specified, 2013
that term shall be construed to mean the time during a calendar 2014
day that a school is open for instruction pursuant to the 2015
schedule adopted by the board of education of the school 2016
district or the governing authority of the chartered or 2017
accredited nonpublic school in accordance with section 3313.48 2018
of the Revised Code. 2019

Sec. 3313.482. (A) (1) Prior to the first day of August of 2020
each school year, the board of education of any school district 2021
~~or,~~ the governing authority of any chartered nonpublic school, 2022
or the governing authority of an accredited nonpublic school 2023
described in section 3301.165 of the Revised Code may adopt a 2024

plan to require students to access and complete classroom 2025
lessons posted on the district's or nonpublic school's web 2026
portal or web site in order to make up hours in that school year 2027
on which it is necessary to close schools for disease epidemic, 2028
hazardous weather conditions, law enforcement emergencies, 2029
inoperability of school buses or other equipment necessary to 2030
the school's operation, damage to a school building, or other 2031
temporary circumstances due to utility failure rendering the 2032
school building unfit for school use. 2033

Prior to the first day of August of each school year, the 2034
governing authority of any community school established under 2035
Chapter 3314. that is not an internet- or computer-based 2036
community school, as defined in section 3314.02 of the Revised 2037
Code, may adopt a plan to require students to access and 2038
complete classroom lessons posted on the school's web portal or 2039
web site in order to make up hours in that school year on which 2040
it is necessary to close the school for any of the reasons 2041
specified in division (H) (4) of section 3314.08 of the Revised 2042
Code so that the school is in compliance with the minimum number 2043
of hours required under Chapter 3314. of the Revised Code. 2044

A plan adopted by a school district board, chartered 2045
nonpublic school governing authority, accredited nonpublic 2046
school governing authority, or community school governing 2047
authority shall provide for making up any number of hours, up to 2048
a maximum of the number of hours that are the equivalent of 2049
three school days. 2050

(2) Each plan adopted under this section by a school 2051
district board of education shall include the written consent of 2052
the teachers' employee representative designated under division 2053
(B) of section 4117.04 of the Revised Code. 2054

(3) Each plan adopted under this section shall provide for 2055
the following: 2056

(a) Not later than the first day of November of the school 2057
year, each classroom teacher shall develop a sufficient number 2058
of lessons for each course taught by the teacher that school 2059
year to cover the number of make-up hours specified in the plan. 2060
The teacher shall designate the order in which the lessons are 2061
to be posted on the district's, community school's, or nonpublic 2062
school's web portal or web site in the event of a school 2063
closure. Teachers may be granted up to one professional 2064
development day to create lesson plans for those lessons. 2065

(b) To the extent possible and necessary, a classroom 2066
teacher shall update or replace, based on current instructional 2067
progress, one or more of the lesson plans developed under 2068
division (A) (3) (a) of this section before they are posted on the 2069
web portal or web site under division (A) (3) (c) of this section 2070
or distributed under division (B) of this section. 2071

(c) As soon as practicable after a school closure, a 2072
district or school employee responsible for web portal or web 2073
site operations shall make the designated lessons available to 2074
students on the district's, community school's, or nonpublic 2075
school's portal or site. A lesson shall be posted for each 2076
course that was scheduled to meet on the day or hours of the 2077
closure. 2078

(d) Each student enrolled in a course for which a lesson 2079
is posted on the portal or site shall be granted a two-week 2080
period from the date of posting to complete the lesson. The 2081
student's classroom teacher shall grade the lesson in the same 2082
manner as other lessons. The student may receive an incomplete 2083
or failing grade if the lesson is not completed on time. 2084

(e) If a student does not have access to a computer at the student's residence and the plan does not include blizzard bags under division (B) of this section, the student shall be permitted to work on the posted lessons at school after the student's school reopens. If the lessons were posted prior to the reopening, the student shall be granted a two-week period from the date of the reopening, rather than from the date of posting as otherwise required under division (A) (3) (d) of this section, to complete the lessons. The district board or community school or nonpublic school governing authority may provide the student access to a computer before, during, or after the regularly scheduled school day or may provide a substantially similar paper lesson in order to complete the lessons.

(B) (1) In addition to posting classroom lessons online under division (A) of this section, the board of education of any school district or governing authority of any community, accredited, or chartered nonpublic school may include in the plan distribution of "blizzard bags," which are paper copies of the lessons posted online.

(2) If a school opts to use blizzard bags, teachers shall prepare paper copies in conjunction with the lessons to be posted online and update the paper copies whenever the teacher updates the online lesson plans.

(3) The board of education of any school district or governing authority of any community, accredited, or chartered nonpublic school that opts to use blizzard bags shall specify in the plan the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to

anticipated school closure as directed by the superintendent of 2115
a school district or the principal, director, chief 2116
administrative officer, or the equivalent, of a school. 2117

(4) Students shall turn in completed lessons in accordance 2118
with division (A) (3) (d) of this section. 2119

(C) (1) No school district that implements a plan in 2120
accordance with this section shall be considered to have failed 2121
to comply with division (B) of section 3317.01 of the Revised 2122
Code with respect to the number of make-up hours specified in 2123
the plan. 2124

(2) No community school that implements a plan in 2125
accordance with this section shall be considered to have failed 2126
to comply with the minimum number of hours required under 2127
Chapter 3314. of the Revised Code with respect to the number of 2128
make-up hours specified in the plan. 2129

Sec. 3313.536. (A) As used in this section: 2130

(1) "Administrator" means the superintendent, principal, 2131
chief administrative officer, or other person having supervisory 2132
authority of any of the following: 2133

(a) A city, exempted village, local, or joint vocational 2134
school district; 2135

(b) A community school established under Chapter 3314. of 2136
the Revised Code, as required through reference in division (A) 2137
(11) (d) of section 3314.03 of the Revised Code; 2138

(c) A STEM school established under Chapter 3326. of the 2139
Revised Code, as required through reference in section 3326.11 2140
of the Revised Code; 2141

(d) A college-preparatory boarding school established 2142

under Chapter 3328. of the Revised Code; 2143

(e) A district or school operating a career-technical 2144
education program approved by the department of education under 2145
section 3317.161 of the Revised Code; 2146

(f) A chartered nonpublic school; 2147

(g) An accredited nonpublic school described in section 2148
3301.165 of the Revised Code; 2149

(h) An educational service center; 2150

~~(h)~~ (i) A preschool program or school-age child care 2151
program licensed by the department of education; 2152

~~(i)~~ (j) Any other facility that primarily provides 2153
educational services to children subject to regulation by the 2154
department of education. 2155

(2) "Emergency management test" means a regularly 2156
scheduled drill, exercise, or activity designed to assess and 2157
evaluate an emergency management plan under this section. 2158

(3) "Building" means any school, school building, 2159
facility, program, or center. 2160

(B) (1) Each administrator shall develop and adopt a 2161
comprehensive emergency management plan, in accordance with 2162
rules adopted by the state board of education pursuant to 2163
division (F) of this section, for each building under the 2164
administrator's control. The administrator shall examine the 2165
environmental conditions and operations of each building to 2166
determine potential hazards to student and staff safety and 2167
shall propose operating changes to promote the prevention of 2168
potentially dangerous problems and circumstances. In developing 2169
the plan for each building, the administrator shall involve 2170

community law enforcement and safety officials, parents of 2171
students who are assigned to the building, and teachers and 2172
nonteaching employees who are assigned to the building. The 2173
administrator shall incorporate remediation strategies into the 2174
plan for any building where documented safety problems have 2175
occurred. 2176

(2) Each administrator shall also incorporate into the 2177
emergency management plan adopted under division (B)(1) of this 2178
section all of the following: 2179

(a) A protocol for addressing serious threats to the 2180
safety of property, students, employees, or administrators; 2181

(b) A protocol for responding to any emergency events that 2182
occur and compromise the safety of property, students, 2183
employees, or administrators. This protocol shall include, but 2184
not be limited to, all of the following: 2185

(i) A floor plan that is unique to each floor of the 2186
building; 2187

(ii) A site plan that includes all building property and 2188
surrounding property; 2189

(iii) An emergency contact information sheet. 2190

(3) Each protocol described in divisions (B)(2)(a) and (b) 2191
of this section shall include procedures determined to be 2192
appropriate by the administrator for responding to threats and 2193
emergency events, respectively, including such things as 2194
notification of appropriate law enforcement personnel, calling 2195
upon specified emergency response personnel for assistance, and 2196
informing parents of affected students. 2197

Prior to the opening day of each school year, the 2198

administrator shall inform each student or child enrolled in the 2199
school and the student's or child's parent of the parental 2200
notification procedures included in the protocol. 2201

(4) Each administrator shall keep a copy of the emergency 2202
management plan adopted pursuant to this section in a secure 2203
place. 2204

(C) (1) The administrator shall submit to the department of 2205
education, in accordance with rules adopted by the state board 2206
of education pursuant to division (F) of this section, an 2207
electronic copy of the emergency management plan prescribed by 2208
division (B) of this section not less than once every three 2209
years, whenever a major modification to the building requires 2210
changes in the procedures outlined in the plan, and whenever 2211
information on the emergency contact information sheet changes. 2212

(2) The administrator also shall file a copy of the plan 2213
with each law enforcement agency that has jurisdiction over the 2214
school building and, upon request, to any of the following: 2215

(a) The fire department that serves the political 2216
subdivision in which the building is located; 2217

(b) The emergency medical service organization that serves 2218
the political subdivision in which the building is located; 2219

(c) The county emergency management agency for the county 2220
in which the building is located. 2221

(3) Upon receipt of an emergency management plan, the 2222
department of education shall submit the information in 2223
accordance with rules adopted by the state board of education 2224
pursuant to division (F) of this section, to both of the 2225
following: 2226

(a) The attorney general, who shall post that information 2227
on the Ohio law enforcement gateway or its successor; 2228

(b) The director of public safety, who shall post the 2229
information on the contact and information management system. 2230

(4) Any department or entity to which copies of an 2231
emergency management plan are filed under this section shall 2232
keep the copies in a secure place. 2233

(D) (1) Not later than the first day of July of each year, 2234
each administrator shall review the emergency management plan 2235
and certify to the department of education that the plan is 2236
current and accurate. 2237

(2) Anytime that an administrator updates the emergency 2238
management plan pursuant to division (C) (1) of this section, the 2239
administrator shall file copies, not later than the tenth day 2240
after the revision is adopted and in accordance with rules 2241
adopted by the state board pursuant to division (F) of this 2242
section, to the department of education and to any entity with 2243
which the administrator filed a copy under division (C) (2) of 2244
this section. 2245

(E) Each administrator shall do both of the following: 2246

(1) Prepare and conduct at least one annual emergency 2247
management test, as defined in division (A) (2) of this section, 2248
in accordance with rules adopted by the state board pursuant to 2249
division (F) of this section; 2250

(2) Grant access to each building under the control of the 2251
administrator to law enforcement personnel and to entities 2252
described in division (C) (2) of this section, to enable the 2253
personnel and entities to hold training sessions for responding 2254
to threats and emergency events affecting the building, provided 2255

that the access occurs outside of student instructional hours 2256
and the administrator, or the administrator's designee, is 2257
present in the building during the training sessions. 2258

(F) The state board of education, in accordance with 2259
Chapter 119. of the Revised Code, shall adopt rules regarding 2260
emergency management plans under this section, including the 2261
content of the plans and procedures for filing the plans. The 2262
rules shall specify that plans and information required under 2263
division (B) of this section be submitted on standardized forms 2264
developed by the department of education for such purpose. The 2265
rules shall also specify the requirements and procedures for 2266
emergency management tests conducted pursuant to division (E) (1) 2267
of this section. Failure to comply with the rules may result in 2268
discipline pursuant to section 3319.31 of the Revised Code or 2269
any other action against the administrator as prescribed by 2270
rule. 2271

(G) Division (B) of section 3319.31 of the Revised Code 2272
applies to any administrator who is subject to the requirements 2273
of this section and is not exempt under division (H) of this 2274
section and who is an applicant for a license or holds a license 2275
from the state board pursuant to section 3319.22 of the Revised 2276
Code. 2277

(H) The superintendent of public instruction may exempt 2278
any administrator from the requirements of this section, if the 2279
superintendent determines that the requirements do not otherwise 2280
apply to a building or buildings under the control of that 2281
administrator. 2282

(I) Copies of the emergency management plan and 2283
information required under division (B) of this section are 2284
security records and are not public records pursuant to section 2285

149.433 of the Revised Code. In addition, the information posted 2286
to the contact and information management system, pursuant to 2287
division (C) (3) (b) of this section, is exempt from public 2288
disclosure or release in accordance with sections 149.43, 2289
149.433, and 5502.03 of the Revised Code. 2290

Notwithstanding section 149.433 of the Revised Code, a 2291
floor plan filed with the attorney general pursuant to this 2292
section is not a public record to the extent it is a record kept 2293
by the attorney general. 2294

Sec. 3313.539. (A) As used in this section: 2295

(1) "Licensing agency" has the same meaning as in section 2296
4745.01 of the Revised Code. 2297

(2) "Licensed health care professional" means an 2298
individual, other than a physician, who is authorized under 2299
Title XLVII of the Revised Code to practice a health care 2300
profession. 2301

(3) "Physician" means a person authorized under Chapter 2302
4731. of the Revised Code to practice medicine and surgery or 2303
osteopathic medicine and surgery. 2304

(B) No school district board of education or governing 2305
authority of a chartered nonpublic, accredited nonpublic school 2306
described in section 3301.165 of the Revised Code, or 2307
nonchartered nonpublic school shall permit a student to practice 2308
for or compete in interscholastic athletics until the student 2309
has submitted, to a school official designated by the board or 2310
governing authority, a form signed by the parent, guardian, or 2311
other person having care or charge of the student stating that 2312
the student and the parent, guardian, or other person having 2313
care or charge of the student have received the concussion and 2314

head injury information sheet required by section 3707.52 of the Revised Code. A completed form shall be submitted each school year, as defined in section 3313.62 of the Revised Code, for each sport or other category of interscholastic athletics for or in which the student practices or competes.

(C) (1) No school district board of education or governing authority of a chartered, accredited, or nonchartered nonpublic school shall permit an individual to coach interscholastic athletics unless the individual holds a pupil-activity program permit issued under section 3319.303 of the Revised Code for coaching interscholastic athletics.

(2) No school district board of education or governing authority of a chartered, accredited, or nonchartered nonpublic school shall permit an individual to referee interscholastic athletics unless the individual holds a pupil-activity program permit issued under section 3319.303 of the Revised Code for coaching interscholastic athletics or presents evidence that the individual has successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code or a training program authorized and required by an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events.

(D) If a student practicing for or competing in an interscholastic athletic event exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the student shall be removed from the practice or competition by

either of the following: 2345

(1) The individual who is serving as the student's coach 2346
during that practice or competition; 2347

(2) An individual who is serving as a referee during that 2348
practice or competition. 2349

(E) (1) If a student is removed from practice or 2350
competition under division (D) of this section, the coach or 2351
referee who removed the student shall not allow the student, on 2352
the same day the student is removed, to return to that practice 2353
or competition or to participate in any other practice or 2354
competition for which the coach or referee is responsible. 2355
Thereafter, the coach or referee shall not allow the student to 2356
return to that practice or competition or to participate in any 2357
other practice or competition for which the coach or referee is 2358
responsible until both of the following conditions are 2359
satisfied: 2360

(a) The student's condition is assessed by any of the 2361
following who has complied with the requirements in division (E) 2362
(4) of this section: 2363

(i) A physician; 2364

(ii) A licensed health care professional the school 2365
district board of education or governing authority of the 2366
chartered, accredited, or nonchartered nonpublic school, 2367
pursuant to division (E) (2) of this section, authorizes to 2368
assess a student who has been removed from practice or 2369
competition under division (D) of this section; 2370

(iii) A licensed health care professional who meets the 2371
minimum education requirements established by rules adopted 2372
under section 3707.521 of the Revised Code by the professional's 2373

licensing agency. 2374

(b) The student receives written clearance that it is safe 2375
for the student to return to practice or competition from the 2376
physician or licensed health care professional who assessed the 2377
student's condition. 2378

(2) A school district board of education or governing 2379
authority of a chartered, accredited, or nonchartered nonpublic 2380
school may authorize a licensed health care professional to make 2381
an assessment or grant a clearance for purposes of division (E) 2382
(1) of this section only if the professional is acting in 2383
accordance with one of the following, as applicable to the 2384
professional's authority to practice in this state: 2385

(a) In consultation with a physician; 2386

(b) Pursuant to the referral of a physician; 2387

(c) In collaboration with a physician; 2388

(d) Under the supervision of a physician. 2389

(3) A physician or licensed health care professional who 2390
makes an assessment or grants a clearance for purposes of 2391
division (E) (1) of this section may be a volunteer. 2392

(4) Beginning one year after ~~the effective date of this~~ 2393
~~amendment~~ September 17, 2015, all physicians and licensed health 2394
care professionals who conduct assessments and clearances under 2395
division (E) (1) of this section must meet the minimum education 2396
requirements established by rules adopted under section 3707.521 2397
of the Revised Code by their respective licensing agencies. 2398

(F) A school district board of education or governing 2399
authority of a chartered, accredited, or nonchartered nonpublic 2400
school that is subject to the rules of an interscholastic 2401

conference or an organization that regulates interscholastic 2402
athletic competition and conducts interscholastic athletic 2403
events shall be considered to be in compliance with divisions 2404
(B), (D), and (E) of this section, as long as the requirements 2405
of those rules are substantially similar to the requirements of 2406
divisions (B), (D), and (E) of this section. 2407

(G) (1) A school district, member of a school district 2408
board of education, or school district employee or volunteer, 2409
including a coach or referee, is not liable in damages in a 2410
civil action for injury, death, or loss to person or property 2411
allegedly arising from providing services or performing duties 2412
under this section, unless the act or omission constitutes 2413
willful or wanton misconduct. 2414

This section does not eliminate, limit, or reduce any 2415
other immunity or defense that a school district, member of a 2416
school district board of education, or school district employee 2417
or volunteer, including a coach or referee, may be entitled to 2418
under Chapter 2744. or any other provision of the Revised Code 2419
or under the common law of this state. 2420

(2) A chartered, accredited, or nonchartered nonpublic 2421
school or any officer, director, employee, or volunteer of the 2422
school, including a coach or referee, is not liable in damages 2423
in a civil action for injury, death, or loss to person or 2424
property allegedly arising from providing services or performing 2425
duties under this section, unless the act or omission 2426
constitutes willful or wanton misconduct. 2427

Sec. 3313.5311. (A) As used in this section and in section 2428
3313.5312 of the Revised Code, "extracurricular activity" has 2429
the same meaning as in section 3313.537 of the Revised Code. 2430

(B) If the nonpublic school in which the student is 2431
enrolled does not offer the extracurricular activity, a student 2432
enrolled in a chartered nonpublic school, accredited nonpublic 2433
school described in section 3301.165 of the Revised Code, or 2434
nonchartered nonpublic school shall be afforded, by the 2435
superintendent of the school district in which the student is 2436
entitled to attend school under section 3313.64 or 3313.65 of 2437
the Revised Code, the opportunity to participate in that 2438
extracurricular activity at the district school to which the 2439
student otherwise would be assigned during that school year. If 2440
more than one school operated by the school district serves the 2441
student's grade level, as determined by the district 2442
superintendent based on the student's age and academic 2443
performance, the student shall be afforded the opportunity to 2444
participate in that extracurricular activity at the school to 2445
which the student would be assigned by the superintendent under 2446
section 3319.01 of the Revised Code. 2447

(C) The superintendent of any school district may afford 2448
any student enrolled in a nonpublic school, and who is not 2449
entitled to attend school in the district under section 3313.64 2450
or 3313.65 of the Revised Code, the opportunity to participate 2451
in an extracurricular activity offered by a school of the 2452
district, if the nonpublic school in which the student is 2453
enrolled does not offer the extracurricular activity and either 2454
of the following apply: 2455

(1) The extracurricular activity is not interscholastic 2456
athletics or interscholastic contests or competition in music, 2457
drama, or forensics. 2458

(2) The extracurricular activity is in an interscholastic 2459
athletic or interscholastic contest or competition in music, 2460

drama, or forensics. In order to participate under division (C) 2461
(2) of this section, the student shall seek to participate at 2462
either the school district in which the student's nonpublic 2463
school is located or the school district in which the student is 2464
entitled to attend school under section 3313.64 or 3313.65 of 2465
the Revised Code, so long as the chosen district offers the 2466
extracurricular activity. 2467

If the student seeks to participate under division (C) (2) 2468
of this section at the school district in which the student's 2469
nonpublic school is located, both of the following shall apply: 2470

(a) The superintendent of the school district in which the 2471
student is entitled to attend school shall certify that the 2472
student has not participated in any extracurricular activity 2473
that is in an interscholastic athletic or interscholastic 2474
contest or competition in music, drama, or forensics at that 2475
school district during that school year. If the student has 2476
participated in such an extracurricular activity at that school 2477
district during the school year, the student shall be ineligible 2478
to participate at the school district in which the student's 2479
nonpublic school is located for that school year. 2480

(b) The superintendent of the school district in which the 2481
student is entitled to attend school and the superintendent of 2482
the school district in which the student is seeking to 2483
participate shall mutually agree, in writing, to allow the 2484
student to participate in the extracurricular activity at the 2485
school district in which the student's nonpublic school is 2486
located. 2487

(D) In order to participate in an extracurricular activity 2488
under this section, the student shall be of the appropriate age 2489
and grade level, as determined by the superintendent of the 2490

district, for the school that offers the extracurricular 2491
activity, and shall fulfill the same academic, nonacademic, and 2492
financial requirements as any other participant. 2493

(E) No school district shall impose additional rules on a 2494
student to participate under this section that do not apply to 2495
other students participating in the same extracurricular 2496
activity. No district shall impose additional fees for a student 2497
to participate under this section that exceed any fees charged 2498
to other students participating in the same extracurricular 2499
activity. 2500

(F) No school district, interscholastic conference, or 2501
organization that regulates interscholastic conferences or 2502
events shall require a student who is eligible to participate in 2503
interscholastic extracurricular activities under this section to 2504
meet eligibility requirements that conflict with this section. 2505

Sec. 3313.603. (A) As used in this section: 2506

(1) "One unit" means a minimum of one hundred twenty hours 2507
of course instruction, except that for a laboratory course, "one 2508
unit" means a minimum of one hundred fifty hours of course 2509
instruction. 2510

(2) "One-half unit" means a minimum of sixty hours of 2511
course instruction, except that for physical education courses, 2512
"one-half unit" means a minimum of one hundred twenty hours of 2513
course instruction. 2514

(B) Beginning September 15, 2001, except as required in 2515
division (C) of this section and division (C) of section 2516
3313.614 of the Revised Code, the requirements for graduation 2517
from every high school shall include twenty units earned in 2518
grades nine through twelve and shall be distributed as follows: 2519

(1) English language arts, four units;	2520
(2) Health, one-half unit;	2521
(3) Mathematics, three units;	2522
(4) Physical education, one-half unit;	2523
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	2524 2525 2526
(a) Biological sciences, one unit;	2527
(b) Physical sciences, one unit.	2528
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	2529 2530 2531
(a) American history, one-half unit;	2532
(b) American government, one-half unit.	2533
(7) Social studies, two units.	2534
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 (B) (7) of this section shall include at least one-half unit of instruction in the study of world history and civilizations.	2535 2536 2537 2538 2539
(8) Elective units, seven units until September 15, 2003, and six units thereafter.	2540 2541
Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.	2542 2543 2544
(C) Beginning with students who enter ninth grade for the	2545

first time on or after July 1, 2010, except as provided in 2546
divisions (D) to (F) of this section, the requirements for 2547
graduation from every public and chartered nonpublic high school 2548
shall include twenty units that are designed to prepare students 2549
for the workforce and college. The units shall be distributed as 2550
follows: 2551

(1) English language arts, four units; 2552

(2) Health, one-half unit, which shall include instruction 2553
in nutrition and the benefits of nutritious foods and physical 2554
activity for overall health; 2555

(3) Mathematics, four units, which shall include one unit 2556
of algebra II or the equivalent of algebra II. However, students 2557
who enter ninth grade for the first time on or after July 1, 2558
2015, and who are pursuing a career-technical instructional 2559
track shall not be required to take algebra II, and instead may 2560
complete a career-based pathway mathematics course approved by 2561
the department of education as an alternative. 2562

(4) Physical education, one-half unit; 2563

(5) Science, three units with inquiry-based laboratory 2564
experience that engages students in asking valid scientific 2565
questions and gathering and analyzing information, which shall 2566
include the following, or their equivalent: 2567

(a) Physical sciences, one unit; 2568

(b) Life sciences, one unit; 2569

(c) Advanced study in one or more of the following 2570
sciences, one unit: 2571

(i) Chemistry, physics, or other physical science; 2572

(ii) Advanced biology or other life science;	2573
(iii) Astronomy, physical geology, or other earth or space science.	2574 2575
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	2576 2577 2578
(a) American history, one-half unit;	2579
(b) American government, one-half unit.	2580
(7) Social studies, two units.	2581
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education 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 this section, or into the content of another class, so that every high school student receives instruction in those concepts. In developing the curriculum required by this paragraph, schools shall use available public-private partnerships and resources and materials that exist in business, industry, and through the centers for economics education at institutions of higher education in the state.	2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595
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.	2596 2597 2598 2599 2600

(8) Five units consisting of one or any combination of 2601
foreign language, fine arts, business, career-technical 2602
education, family and consumer sciences, technology, 2603
agricultural education, a junior reserve officer training corps 2604
(JROTC) program approved by the congress of the United States 2605
under title 10 of the United States Code, or English language 2606
arts, mathematics, science, or social studies courses not 2607
otherwise required under division (C) of this section. 2608

Ohioans must be prepared to apply increased knowledge and 2609
skills in the workplace and to adapt their knowledge and skills 2610
quickly to meet the rapidly changing conditions of the twenty- 2611
first century. National studies indicate that all high school 2612
graduates need the same academic foundation, regardless of the 2613
opportunities they pursue after graduation. The goal of Ohio's 2614
system of elementary and secondary education is to prepare all 2615
students for and seamlessly connect all students to success in 2616
life beyond high school graduation, regardless of whether the 2617
next step is entering the workforce, beginning an 2618
apprenticeship, engaging in post-secondary training, serving in 2619
the military, or pursuing a college degree. 2620

The requirements for graduation prescribed in division (C) 2621
of this section are the standard expectation for all students 2622
entering ninth grade for the first time at a public or chartered 2623
nonpublic high school on or after July 1, 2010. A student may 2624
satisfy this expectation through a variety of methods, 2625
including, but not limited to, integrated, applied, career- 2626
technical, and traditional coursework. 2627

Whereas teacher quality is essential for student success 2628
when completing the requirements for graduation, the general 2629
assembly shall appropriate funds for strategic initiatives 2630

designed to strengthen schools' capacities to hire and retain 2631
highly qualified teachers in the subject areas required by the 2632
curriculum. Such initiatives are expected to require an 2633
investment of \$120,000,000 over five years. 2634

Stronger coordination between high schools and 2635
institutions of higher education is necessary to prepare 2636
students for more challenging academic endeavors and to lessen 2637
the need for academic remediation in college, thereby reducing 2638
the costs of higher education for Ohio's students, families, and 2639
the state. The state board and the chancellor of higher 2640
education shall develop policies to ensure that only in rare 2641
instances will students who complete the requirements for 2642
graduation prescribed in division (C) of this section require 2643
academic remediation after high school. 2644

School districts, community schools, and chartered 2645
nonpublic schools shall integrate technology into learning 2646
experiences across the curriculum in order to maximize 2647
efficiency, enhance learning, and prepare students for success 2648
in the technology-driven twenty-first century. Districts and 2649
schools shall use distance and web-based course delivery as a 2650
method of providing or augmenting all instruction required under 2651
this division, including laboratory experience in science. 2652
Districts and schools shall utilize technology access and 2653
electronic learning opportunities provided by the broadcast 2654
educational media commission, chancellor, the Ohio learning 2655
network, education technology centers, public television 2656
stations, and other public and private providers. 2657

(D) Except as provided in division (E) of this section, a 2658
student who enters ninth grade on or after July 1, 2010, and 2659
before July 1, 2016, may qualify for graduation from a public or 2660

chartered nonpublic high school even though the student has not 2661
completed the requirements for graduation prescribed in division 2662
(C) of this section if all of the following conditions are 2663
satisfied: 2664

(1) During the student's third year of attending high 2665
school, as determined by the school, the student and the 2666
student's parent, guardian, or custodian sign and file with the 2667
school a written statement asserting the parent's, guardian's, 2668
or custodian's consent to the student's graduating without 2669
completing the requirements for graduation prescribed in 2670
division (C) of this section and acknowledging that one 2671
consequence of not completing those requirements is 2672
ineligibility to enroll in most state universities in Ohio 2673
without further coursework. 2674

(2) The student and parent, guardian, or custodian fulfill 2675
any procedural requirements the school stipulates to ensure the 2676
student's and parent's, guardian's, or custodian's informed 2677
consent and to facilitate orderly filing of statements under 2678
division (D)(1) of this section. Annually, each district or 2679
school shall notify the department of the number of students who 2680
choose to qualify for graduation under division (D) of this 2681
section and the number of students who complete the student's 2682
success plan and graduate from high school. 2683

(3) The student and the student's parent, guardian, or 2684
custodian and a representative of the student's high school 2685
jointly develop a student success plan for the student in the 2686
manner described in division (C)(1) of section 3313.6020 of the 2687
Revised Code that specifies the student matriculating to a two- 2688
year degree program, acquiring a business and industry- 2689
recognized credential, or entering an apprenticeship. 2690

(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.

(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.

(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:

(i) Mathematics, four units, one unit which shall be one of the following:

(I) Probability and statistics;

(II) Computer programming;

(III) Applied mathematics or quantitative reasoning;

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014.

(ii) Elective units, five units;

(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 questions and gathering and analyzing information.

The department, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception

permitted by division (D) of this section to high school classes 2718
beyond those entering ninth grade before July 1, 2016. The 2719
department shall submit its findings and any recommendations not 2720
later than December 1, 2015, to the speaker and minority leader 2721
of the house of representatives, the president and minority 2722
leader of the senate, the chairpersons and ranking minority 2723
members of the standing committees of the house of 2724
representatives and the senate that consider education 2725
legislation, the state board of education, and the 2726
superintendent of public instruction. 2727

(E) Each school district and chartered nonpublic school 2728
retains the authority to require an even more challenging 2729
minimum curriculum for high school graduation than specified in 2730
division (B) or (C) of this section. A school district board of 2731
education, through the adoption of a resolution, or the 2732
governing authority of a chartered nonpublic school may 2733
stipulate any of the following: 2734

(1) A minimum high school curriculum that requires more 2735
than twenty units of academic credit to graduate; 2736

(2) An exception to the district's or school's minimum 2737
high school curriculum that is comparable to the exception 2738
provided in division (D) of this section but with additional 2739
requirements, which may include a requirement that the student 2740
successfully complete more than the minimum curriculum 2741
prescribed in division (B) of this section; 2742

(3) That no exception comparable to that provided in 2743
division (D) of this section is available. 2744

(F) A student enrolled in a dropout prevention and 2745
recovery program, which program has received a waiver from the 2746

department, may qualify for graduation from high school by 2747
successfully completing a competency-based instructional program 2748
administered by the dropout prevention and recovery program in 2749
lieu of completing the requirements for graduation prescribed in 2750
division (C) of this section. The department shall grant a 2751
waiver to a dropout prevention and recovery program, within 2752
sixty days after the program applies for the waiver, if the 2753
program meets all of the following conditions: 2754

(1) The program serves only students not younger than 2755
sixteen years of age and not older than twenty-one years of age. 2756

(2) The program enrolls students who, at the time of their 2757
initial enrollment, either, or both, are at least one grade 2758
level behind their cohort age groups or experience crises that 2759
significantly interfere with their academic progress such that 2760
they are prevented from continuing their traditional programs. 2761

(3) The program requires students to attain at least the 2762
applicable score designated for each of the assessments 2763
prescribed under division (B) (1) of section 3301.0710 of the 2764
Revised Code or, to the extent prescribed by rule of the state 2765
board under division (D) (5) of section 3301.0712 of the Revised 2766
Code, division (B) (2) of that section. 2767

(4) The program develops a student success plan for the 2768
student in the manner described in division (C) (1) of section 2769
3313.6020 of the Revised Code that specifies the student's 2770
matriculating to a two-year degree program, acquiring a business 2771
and industry-recognized credential, or entering an 2772
apprenticeship. 2773

(5) The program provides counseling and support for the 2774
student related to the plan developed under division (F) (4) of 2775

this section during the remainder of the student's high school experience. 2776
2777

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework. 2778
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(7) 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 under section 3301.079 of the Revised Code will be taught and assessed. 2788
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(8) Prior to receiving the waiver, the program has submitted to the department a policy on career advising that satisfies the requirements of section 3313.6020 of the Revised Code, with an emphasis on how every student will receive career advising. 2793
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(9) Prior to receiving the waiver, the program has submitted to the department a written agreement outlining the future cooperation between the program and any combination of local job training, postsecondary education, nonprofit, and health and social service organizations to provide services for students in the program and their families. 2798
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Divisions (F) (8) and (9) of this section apply only to 2804

waivers granted on or after July 1, 2015. 2805

If the department does not act either to grant the waiver 2806
or to reject the program application for the waiver within sixty 2807
days as required under this section, the waiver shall be 2808
considered to be granted. 2809

(G) Every high school may permit students below the ninth 2810
grade to take advanced work. If a high school so permits, it 2811
shall award high school credit for successful completion of the 2812
advanced work and shall count such advanced work toward the 2813
graduation requirements of division (B) or (C) of this section 2814
if the advanced work was both: 2815

(1) Taught by a person who possesses a license or 2816
certificate issued under section 3301.071, 3319.22, or 3319.222 2817
of the Revised Code that is valid for teaching high school; 2818

(2) Designated by the board of education of the city, 2819
local, or exempted village school district, the board of the 2820
cooperative education school district, or the governing 2821
authority of the chartered nonpublic school as meeting the high 2822
school curriculum requirements. 2823

Each high school shall record on the student's high school 2824
transcript all high school credit awarded under division (G) of 2825
this section. In addition, if the student completed a seventh- 2826
or eighth-grade fine arts course described in division (K) of 2827
this section and the course qualified for high school credit 2828
under that division, the high school shall record that course on 2829
the student's high school transcript. 2830

(H) The department shall make its individual academic 2831
career plan available through its Ohio career information system 2832
web site for districts and schools to use as a tool for 2833

communicating with and providing guidance to students and 2834
families in selecting high school courses. 2835

(I) A school district or chartered nonpublic school may 2836
integrate academic content in a subject area for which the state 2837
board has adopted standards under section 3301.079 of the 2838
Revised Code into a course in a different subject area, 2839
including a career-technical education course, in accordance 2840
with guidance for integrated coursework developed by the 2841
department. Upon successful completion of an integrated course, 2842
a student may receive credit for both subject areas that were 2843
integrated into the course. Units earned for subject area 2844
content delivered through integrated academic and career- 2845
technical instruction are eligible to meet the graduation 2846
requirements of division (B) or (C) of this section. 2847

For purposes of meeting graduation requirements, if an 2848
end-of-course examination has been prescribed under section 2849
3301.0712 of the Revised Code for the subject area delivered 2850
through integrated instruction, the school district or school 2851
may administer the related subject area examinations upon the 2852
student's completion of the integrated course. 2853

Nothing in division (I) of this section shall be construed 2854
to excuse any school district, chartered nonpublic school, or 2855
student from any requirement in the Revised Code related to 2856
curriculum, assessments, or the awarding of a high school 2857
diploma. 2858

(J) (1) The state board, in consultation with the 2859
chancellor, shall adopt a statewide plan implementing methods 2860
for students to earn units of high school credit based on a 2861
demonstration of subject area competency, instead of or in 2862
combination with completing hours of classroom instruction. The 2863

state board shall adopt the plan not later than March 31, 2009, 2864
and commence phasing in the plan during the 2009-2010 school 2865
year. The plan shall include a standard method for recording 2866
demonstrated proficiency on high school transcripts. Each school 2867
district and community school shall comply with the state 2868
board's plan adopted under this division and award units of high 2869
school credit in accordance with the plan. The state board may 2870
adopt existing methods for earning high school credit based on a 2871
demonstration of subject area competency as necessary prior to 2872
the 2009-2010 school year. 2873

(2) Not later than December 31, 2015, the state board 2874
shall update the statewide plan adopted pursuant to division (J) 2875
(1) of this section to also include methods for students 2876
enrolled in seventh and eighth grade to meet curriculum 2877
requirements based on a demonstration of subject area 2878
competency, instead of or in combination with completing hours 2879
of classroom instruction. Beginning with the 2017-2018 school 2880
year, each school district and community school also shall 2881
comply with the updated plan adopted pursuant to this division 2882
and permit students enrolled in seventh and eighth grade to meet 2883
curriculum requirements based on subject area competency in 2884
accordance with the plan. 2885

(3) Not later than December 31, 2017, the department shall 2886
develop a framework for school districts and community schools 2887
to use in granting units of high school credit to students who 2888
demonstrate subject area competency through work-based learning 2889
experiences, internships, or cooperative education. Beginning 2890
with the 2018-2019 school year, each district and community 2891
school shall comply with the framework. Each district and 2892
community school also shall review any policy it has adopted 2893
regarding the demonstration of subject area competency to 2894

identify ways to incorporate work-based learning experiences, 2895
internships, and cooperative education into the policy in order 2896
to increase student engagement and opportunities to earn units 2897
of high school credit. 2898

(K) This division does not apply to students who qualify 2899
for graduation from high school under division (D) or (F) of 2900
this section, or to students pursuing a career-technical 2901
instructional track as determined by the school district board 2902
of education or the chartered nonpublic school's governing 2903
authority. Nevertheless, the general assembly encourages such 2904
students to consider enrolling in a fine arts course as an 2905
elective. 2906

Beginning with students who enter ninth grade for the 2907
first time on or after July 1, 2010, each student enrolled in a 2908
public or chartered nonpublic high school shall complete two 2909
semesters or the equivalent of fine arts to graduate from high 2910
school. The coursework may be completed in any of grades seven 2911
to twelve. Each student who completes a fine arts course in 2912
grade seven or eight may elect to count that course toward the 2913
five units of electives required for graduation under division 2914
(C) (8) of this section, if the course satisfied the requirements 2915
of division (G) of this section. In that case, the high school 2916
shall award the student high school credit for the course and 2917
count the course toward the five units required under division 2918
(C) (8) of this section. If the course in grade seven or eight 2919
did not satisfy the requirements of division (G) of this 2920
section, the high school shall not award the student high school 2921
credit for the course but shall count the course toward the two 2922
semesters or the equivalent of fine arts required by this 2923
division. 2924

(L) Notwithstanding anything to the contrary in this 2925
section, the board of education of each school district and the 2926
governing authority of each chartered nonpublic school may adopt 2927
a policy to excuse from the high school physical education 2928
requirement each student who, during high school, has 2929
participated in interscholastic athletics, marching band, or 2930
cheerleading for at least two full seasons or in the junior 2931
reserve officer training corps for at least two full school 2932
years. If the board or authority adopts such a policy, the board 2933
or authority shall not require the student to complete any 2934
physical education course as a condition to graduate. However, 2935
the student shall be required to complete one-half unit, 2936
consisting of at least sixty hours of instruction, in another 2937
course of study. In the case of a student who has participated 2938
in the junior reserve officer training corps for at least two 2939
full school years, credit received for that participation may be 2940
used to satisfy the requirement to complete one-half unit in 2941
another course of study. 2942

(M) It is important that high school students learn and 2943
understand United States history and the governments of both the 2944
United States and the state of Ohio. Therefore, beginning with 2945
students who enter ninth grade for the first time on or after 2946
July 1, 2012, the study of American history and American 2947
government required by divisions (B) (6) and (C) (6) of this 2948
section shall include the study of all of the following 2949
documents: 2950

(1) The Declaration of Independence; 2951

(2) The Northwest Ordinance; 2952

(3) The Constitution of the United States with emphasis on 2953
the Bill of Rights; 2954

(4) The Ohio Constitution. 2955

The study of each of the documents prescribed in divisions 2956
(M) (1) to (4) of this section shall include study of that 2957
document in its original context. 2958

The study of American history and government required by 2959
divisions (B) (6) and (C) (6) of this section shall include the 2960
historical evidence of the role of documents such as the 2961
Federalist Papers and the Anti-Federalist Papers to firmly 2962
establish the historical background leading to the establishment 2963
of the provisions of the Constitution and Bill of Rights. 2964

(N) This section shall not apply to accredited nonpublic 2965
schools described in section 3301.165 of the Revised Code. 2966

Sec. 3313.62. The school year shall begin on the first day 2967
of July of each calendar year and close on the thirtieth day of 2968
June of the succeeding calendar year. A school week shall 2969
consist of five days. A chartered nonpublic school or an 2970
accredited nonpublic school described in section 3301.165 of the 2971
Revised Code may be open for instruction with pupils in 2972
attendance on any day of the week, including Saturday or Sunday. 2973

Sec. 3313.716. (A) Notwithstanding section 3313.713 of the 2974
Revised Code or any policy adopted under that section, a student 2975
of a school operated by a city, local, exempted village, or 2976
joint vocational school district ~~or,~~ a student of a chartered 2977
nonpublic school, or a student of an accredited nonpublic school 2978
described in section 3301.165 of the Revised Code may possess 2979
and use a metered dose inhaler or a dry powder inhaler to 2980
alleviate asthmatic symptoms, or before exercise to prevent the 2981
onset of asthmatic symptoms, if both of the following conditions 2982
are satisfied: 2983

(1) The student has the written approval of the student's physician and, if the student is a minor, the written approval of the parent, guardian, or other person having care or charge of the student. The physician's written approval shall include at least all of the following information:

(a) The student's name and address;

(b) The names and dose of the medication contained in the inhaler;

(c) The date the administration of the medication is to begin;

(d) The date, if known, that the administration of the medication is to cease;

(e) Written instructions that outline procedures school personnel should follow in the event that the asthma medication does not produce the expected relief from the student's asthma attack;

(f) Any severe adverse reactions that may occur to the child using the inhaler and that should be reported to the physician;

(g) Any severe adverse reactions that may occur to another child, for whom the inhaler is not prescribed, should such a child receive a dose of the medication;

(h) At least one emergency telephone number for contacting the physician in an emergency;

(i) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;

(j) Any other special instructions from the physician. 3011

(2) The school principal and, if a school nurse is 3012
assigned to the student's school building, the school nurse has 3013
received copies of the written approvals required by division 3014
(A) (1) of this section. 3015

If these conditions are satisfied, the student may possess 3016
and use the inhaler at school or at any activity, event, or 3017
program sponsored by or in which the student's school is a 3018
participant. 3019

(B) (1) A school district, member of a school district 3020
board of education, or school district employee is not liable in 3021
damages in a civil action for injury, death, or loss to person 3022
or property allegedly arising from a district employee's 3023
prohibiting a student from using an inhaler because of the 3024
employee's good faith belief that the conditions of divisions 3025
(A) (1) and (2) of this section had not been satisfied. A school 3026
district, member of a school district board of education, or 3027
school district employee is not liable in damages in a civil 3028
action for injury, death, or loss to person or property 3029
allegedly arising from a district employee's permitting a 3030
student to use an inhaler because of the employee's good faith 3031
belief that the conditions of divisions (A) (1) and (2) of this 3032
section had been satisfied. Furthermore, when a school district 3033
is required by this section to permit a student to possess and 3034
use an inhaler because the conditions of divisions (A) (1) and 3035
(2) of this section have been satisfied, the school district, 3036
any member of the school district board of education, or any 3037
school district employee is not liable in damages in a civil 3038
action for injury, death, or loss to person or property 3039
allegedly arising from the use of the inhaler by a student for 3040

whom it was not prescribed. 3041

This section does not eliminate, limit, or reduce any 3042
other immunity or defense that a school district, member of a 3043
school district board of education, or school district employee 3044
may be entitled to under Chapter 2744. or any other provision of 3045
the Revised Code or under the common law of this state. 3046

(2) A chartered or an accredited nonpublic school or any 3047
officer, director, or employee of the school is not liable in 3048
damages in a civil action for injury, death, or loss to person 3049
or property allegedly arising from a school employee's 3050
prohibiting a student from using an inhaler because of the 3051
employee's good faith belief that the conditions of divisions 3052
(A) (1) and (2) of this section had not been satisfied. A 3053
chartered or an accredited nonpublic school or any officer, 3054
director, or employee of the school is not liable in damages in 3055
a civil action for injury, death, or loss to person or property 3056
allegedly arising from a school employee's permitting a student 3057
to use an inhaler because of the employee's good faith belief 3058
that the conditions of divisions (A) (1) and (2) of this section 3059
had been satisfied. Furthermore, when a chartered or an 3060
accredited nonpublic school is required by this section to 3061
permit a student to possess and use an inhaler because the 3062
conditions of divisions (A) (1) and (2) of this section have been 3063
satisfied, the chartered or accredited nonpublic school or any 3064
officer, director, or employee of the school is not liable in 3065
damages in a civil action for injury, death, or loss to person 3066
or property allegedly arising from the use of the inhaler by a 3067
student for whom it was not prescribed. 3068

Sec. 3313.717. (A) As used in this section, "automated 3069
external defibrillator" means a specialized defibrillator that 3070

is approved for use as a medical device by the United States 3071
food and drug administration for performing automated external 3072
defibrillation, as defined in section 2305.235 of the Revised 3073
Code. 3074

(B) (1) The board of education of each school district may 3075
require the placement of an automated external defibrillator in 3076
each school under the control of the board. Not later than July 3077
1, 2018, pursuant to section 3313.6023 of the Revised Code, all 3078
persons employed by a school district shall receive training in 3079
the use of an automated external defibrillator in accordance 3080
with that section, except for substitutes, adult education 3081
instructors who are scheduled to work the full-time equivalent 3082
of less than one hundred twenty days per school year, or persons 3083
who are employed on an as-needed, seasonal, or intermittent 3084
basis, so long as the persons are not employed to coach or 3085
supervise interscholastic athletics. 3086

(2) The administrative authority of each chartered 3087
nonpublic school and the administrative authority of each 3088
accredited nonpublic school described in section 3301.165 of the 3089
Revised Code may require the placement of an automated external 3090
defibrillator in each school under the control of the authority. 3091
If an authority requires the placement of an automated external 3092
defibrillator as provided in this section, the authority also 3093
shall require that a sufficient number of the staff persons 3094
assigned to each school under the control of the authority 3095
successfully complete an appropriate training course in the use 3096
of an automated external defibrillator as described in section 3097
3701.85 of the Revised Code. 3098

(C) In regard to the use of an automated external 3099
defibrillator that is placed in a school as specified in this 3100

section, and except in the case of willful or wanton misconduct 3101
or when there is no good faith attempt to activate an emergency 3102
medical services system in accordance with section 3701.85 of 3103
the Revised Code, no person shall be held liable in civil 3104
damages for injury, death, or loss to person or property, or 3105
held criminally liable, for performing automated external 3106
defibrillation in good faith, regardless of whether the person 3107
has obtained appropriate training on how to perform automated 3108
external defibrillation or successfully completed a course in 3109
cardiopulmonary resuscitation. 3110

Sec. 3313.718. (A) As used in this section, "prescriber" 3111
has the same meaning as in section 4729.01 of the Revised Code. 3112

(B) Notwithstanding section 3313.713 of the Revised Code 3113
or any policy adopted under that section, a student of a school 3114
operated by a city, local, exempted village, or joint vocational 3115
school district ~~or,~~ a student of a chartered nonpublic school, 3116
or a student of an accredited nonpublic school described in 3117
section 3301.165 of the Revised Code may possess and use an 3118
epinephrine autoinjector to treat anaphylaxis, if all of the 3119
following conditions are satisfied: 3120

(1) The student has the written approval of the prescriber 3121
of the autoinjector and, if the student is a minor, the written 3122
approval of the parent, guardian, or other person having care or 3123
charge of the student. The prescriber's written approval shall 3124
include at least all of the following information: 3125

(a) The student's name and address; 3126

(b) The names and dose of the medication contained in the 3127
autoinjector; 3128

(c) The date the administration of the medication is to 3129

begin;	3130
(d) The date, if known, that the administration of the medication is to cease;	3131 3132
(e) Acknowledgment that the prescriber has determined that the student is capable of possessing and using the autoinjector appropriately and has provided the student with training in the proper use of the autoinjector;	3133 3134 3135 3136
(f) Circumstances in which the autoinjector should be used;	3137 3138
(g) Written instructions that outline procedures school employees should follow in the event that the student is unable to administer the anaphylaxis medication or the medication does not produce the expected relief from the student's anaphylaxis;	3139 3140 3141 3142
(h) Any severe adverse reactions that may occur to the child using the autoinjector that should be reported to the prescriber;	3143 3144 3145
(i) Any severe adverse reactions that may occur to another child, for whom the autoinjector is not prescribed, should such a child receive a dose of the medication;	3146 3147 3148
(j) At least one emergency telephone number for contacting the prescriber in an emergency;	3149 3150
(k) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;	3151 3152 3153
(1) Any other special instructions from the prescriber.	3154
(2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has	3155 3156

received copies of the written approvals required by division 3157
(B) (1) of this section. 3158

(3) The school principal or, if a school nurse is assigned 3159
to the student's school building, the school nurse has received 3160
a backup dose of the anaphylaxis medication from the parent, 3161
guardian, or other person having care or charge of the student 3162
or, if the student is not a minor, from the student. 3163

If these conditions are satisfied, the student may possess 3164
and use the autoinjector at school or at any activity, event, or 3165
program sponsored by or in which the student's school is a 3166
participant. 3167

(C) Whenever a student uses an autoinjector at school or 3168
at any activity, event, or program sponsored by or in which the 3169
student's school is a participant or whenever a school employee 3170
administers anaphylaxis medication to a student that was 3171
possessed by the student pursuant to the written approvals 3172
described in division (B) (1) of this section, a school employee 3173
shall immediately request assistance from an emergency medical 3174
service provider. 3175

(D) (1) A school district, member of a school district 3176
board of education, or school district employee is not liable in 3177
damages in a civil action for injury, death, or loss to person 3178
or property allegedly arising from a district employee's 3179
prohibiting a student from using an autoinjector because of the 3180
employee's good faith belief that the conditions of division (B) 3181
of this section had not been satisfied. A school district, 3182
member of a school district board of education, or school 3183
district employee is not liable in damages in a civil action for 3184
injury, death, or loss to person or property allegedly arising 3185
from a district employee's permitting a student to use an 3186

autoinjector because of the employee's good faith belief that 3187
the conditions of division (B) of this section had been 3188
satisfied. Furthermore, when a school district is required by 3189
this section to permit a student to possess and use an 3190
autoinjector because the conditions of division (B) of this 3191
section have been satisfied, the school district, any member of 3192
the school district board of education, or any school district 3193
employee is not liable in damages in a civil action for injury, 3194
death, or loss to person or property allegedly arising from the 3195
use of the autoinjector by a student for whom it was not 3196
prescribed. 3197

This section does not eliminate, limit, or reduce any 3198
other immunity or defense that a school district, member of a 3199
school district board of education, or school district employee 3200
may be entitled to under Chapter 2744. or any other provision of 3201
the Revised Code or under the common law of this state. 3202

(2) A chartered or an accredited nonpublic school or any 3203
officer, director, or employee of the school is not liable in 3204
damages in a civil action for injury, death, or loss to person 3205
or property allegedly arising from a school employee's 3206
prohibiting a student from using an autoinjector because of the 3207
employee's good faith belief that the conditions of division (B) 3208
of this section had not been satisfied. A chartered or an 3209
accredited nonpublic school or any officer, director, or 3210
employee of the school is not liable in damages in a civil 3211
action for injury, death, or loss to person or property 3212
allegedly arising from a school employee's permitting a student 3213
to use an autoinjector because of the employee's good faith 3214
belief that the conditions of division (B) of this section had 3215
been satisfied. Furthermore, when a chartered or an accredited 3216
nonpublic school is required by this section to permit a student 3217

to possess and use an autoinjector because the conditions of 3218
division (B) of this section have been satisfied, the chartered 3219
or accredited nonpublic school or any officer, director, or 3220
employee of the school is not liable in damages in a civil 3221
action for injury, death, or loss to person or property 3222
allegedly arising from the use of the autoinjector by a student 3223
for whom it was not prescribed. 3224

Sec. 3313.719. The board of education of each city, local, 3225
exempted village, and joint vocational school district ~~and,~~ the 3226
governing authority of each chartered nonpublic school, and the 3227
governing authority of each accredited nonpublic school 3228
described in section 3301.165 of the Revised Code shall 3229
establish a written policy with respect to protecting students 3230
with peanut or other food allergies. The policy shall be 3231
developed in consultation with parents, school nurses and other 3232
school employees, school volunteers, students, and community 3233
members. 3234

Sec. 3313.7111. (A) With the approval of its governing 3235
authority, a chartered nonpublic school, accredited nonpublic 3236
school described in section 3301.165 of the Revised Code, or 3237
nonchartered nonpublic school may procure epinephrine 3238
autoinjectors in the manner prescribed by section 3313.7110 of 3239
the Revised Code. A chartered, accredited, or nonchartered 3240
nonpublic school that elects to do so shall comply with all 3241
provisions of that section as if it were a school district. 3242

(B) (1) The following are not liable in damages in a civil 3243
action for injury, death, or loss to person or property that 3244
allegedly arises from an act or omission associated with 3245
procuring, maintaining, accessing, or using an epinephrine 3246
autoinjector under this section, unless the act or omission 3247

constitutes willful or wanton misconduct:	3248
(a) A chartered, <u>accredited</u> , or nonchartered nonpublic school;	3249 3250
(b) A member of a chartered, <u>accredited</u> , or nonchartered nonpublic school governing authority;	3251 3252
(c) An employee or contractor of the school;	3253
(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.	3254 3255 3256 3257
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered, <u>accredited</u> , or nonchartered nonpublic school or governing authority, member of a chartered, <u>accredited</u> , or nonchartered nonpublic school governing authority, chartered, <u>accredited</u> , 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.	3258 3259 3260 3261 3262 3263 3264 3265
(C) A chartered, <u>accredited</u> , or nonchartered nonpublic 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.	3266 3267 3268 3269 3270 3271
(D) A chartered, <u>accredited</u> , or nonchartered nonpublic school that elects to procure epinephrine autoinjectors under this section shall report to the department of education each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors.	3272 3273 3274 3275 3276

Sec. 3313.7112. (A) As used in this section:	3277
(1) "Board of education" means a board of education of a city, local, exempted village, or joint vocational school district.	3278 3279 3280
(2) "Governing authority" means a governing authority of a chartered nonpublic school <u>or an accredited nonpublic school operating under section 3301.165 of the Revised Code.</u>	3281 3282 3283
(3) "Licensed health care professional" means any of the following:	3284 3285
(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	3286 3287 3288
(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3289 3290 3291
(c) A physician assistant licensed under Chapter 4730. of the Revised Code.	3292 3293
(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.	3294 3295 3296 3297
(5) "School employee" or "employee" means either of the following:	3298 3299
(a) A person employed by a board of education or governing authority;	3300 3301
(b) A licensed health care professional employed by or under contract with a local health department who is assigned to	3302 3303

a school in a city, local, exempted village, or joint vocational 3304
school district ~~or~~, a chartered nonpublic school, or an 3305
accredited nonpublic school described in section 3301.165 of the 3306
Revised Code. 3307

(6) "Treating practitioner" means any of the following who 3308
has primary responsibility for treating a student's diabetes and 3309
has been identified as such by the student's parent, guardian, 3310
or other person having care or charge of the student or, if the 3311
student is at least eighteen years of age, by the student: 3312

(a) A physician authorized under Chapter 4731. of the 3313
Revised Code to practice medicine and surgery or osteopathic 3314
medicine and surgery; 3315

(b) An advanced practice registered nurse who holds a 3316
current, valid license to practice nursing as an advanced 3317
practice registered nurse issued under Chapter 4723. of the 3318
Revised Code and is designated as a clinical nurse specialist or 3319
certified nurse practitioner in accordance with section 4723.42 3320
of the Revised Code; 3321

(c) A physician assistant who holds a license issued under 3322
Chapter 4730. of the Revised Code, holds a valid prescriber 3323
number issued by the state medical board, and has been granted 3324
physician-delegated prescriptive authority. 3325

(7) "504 plan" means a plan based on an evaluation 3326
conducted in accordance with section 504 of the "Rehabilitation 3327
Act of 1973," 29 U.S.C. 794, as amended. 3328

(B) (1) Each board of education or governing authority 3329
shall ensure that each student enrolled in the school district 3330
or chartered nonpublic school who has diabetes receives 3331
appropriate and needed diabetes care in accordance with an order 3332

signed by the student's treating practitioner. The diabetes care 3333
to be provided includes any of the following: 3334

(a) Checking and recording blood glucose levels and ketone 3335
levels or assisting the student with checking and recording 3336
these levels; 3337

(b) Responding to blood glucose levels that are outside of 3338
the student's target range; 3339

(c) In the case of severe hypoglycemia, administering 3340
glucagon and other emergency treatments as prescribed; 3341

(d) Administering insulin or assisting the student in 3342
self-administering insulin through the insulin delivery system 3343
the student uses; 3344

(e) Providing oral diabetes medications; 3345

(f) Understanding recommended schedules and food intake 3346
for meals and snacks in order to calculate medication dosages 3347
pursuant to the order of the student's treating practitioner; 3348

(g) Following the treating practitioner's instructions 3349
regarding meals, snacks, and physical activity; 3350

(h) Administering diabetes medication, as long as the 3351
conditions prescribed in division (C) of this section are 3352
satisfied. 3353

(2) Not later than fourteen days after receipt of an order 3354
signed by the treating practitioner of a student with diabetes, 3355
the board of education or governing authority shall inform the 3356
student's parent, guardian, or other person having care or 3357
charge of the student that the student may be entitled to a 504 3358
plan regarding the student's diabetes. The department of 3359
education shall develop a 504 plan information sheet for use by 3360

a board of education or governing authority when informing a 3361
student's parent, guardian, or other person having care or 3362
charge of the student that the student may be entitled to a 504 3363
plan regarding the student's diabetes. 3364

(C) Notwithstanding division (B) of section 3313.713 of 3365
the Revised Code or any other provision of the Revised Code, 3366
diabetes medication may be administered under this section by a 3367
school nurse or, in the absence of a school nurse, a school 3368
employee who is trained in diabetes care under division (E) of 3369
this section. Medication administration may be provided under 3370
this section only when the conditions prescribed in division (C) 3371
of section 3313.713 of the Revised Code are satisfied. 3372

Notwithstanding division (D) of section 3313.713 of the 3373
Revised Code, medication that is to be administered under this 3374
section may be kept in an easily accessible location. 3375

(D) (1) The department of education shall adopt nationally 3376
recognized guidelines, as determined by the department, for the 3377
training of school employees in diabetes care for students. In 3378
doing so, the department shall consult with the department of 3379
health, the American diabetes association, and the Ohio school 3380
nurses association. The department may consult with any other 3381
organizations as determined appropriate by the department. 3382

(2) The guidelines shall address all of the following 3383
issues: 3384

(a) Recognizing the symptoms of hypoglycemia and 3385
hyperglycemia; 3386

(b) The appropriate treatment for a student who exhibits 3387
the symptoms of hypoglycemia or hyperglycemia; 3388

(c) Recognizing situations that require the provision of 3389

emergency medical assistance to a student;	3390
(d) Understanding the appropriate treatment for a student,	3391
based on an order issued by the student's treating practitioner,	3392
if the student's blood glucose level is not within the target	3393
range indicated by the order;	3394
(e) Understanding the instructions in an order issued by a	3395
student's treating practitioner concerning necessary	3396
medications;	3397
(f) Performing blood glucose and ketone tests for a	3398
student in accordance with an order issued by the student's	3399
treating practitioner and recording the results of those tests;	3400
(g) Administering insulin, glucagon, or other medication	3401
to a student in accordance with an order issued by the student's	3402
treating practitioner and recording the results of the	3403
administration;	3404
(h) Understanding the relationship between the diet	3405
recommended in an order issued by a student's treating	3406
practitioner and actions that may be taken if the recommended	3407
diet is not followed.	3408
(E) (1) To ensure that a student with diabetes receives the	3409
diabetes care specified in division (B) of this section, a board	3410
of education or governing authority may provide training that	3411
complies with the guidelines developed under division (D) of	3412
this section to a school employee at each school attended by a	3413
student with diabetes. With respect to any training provided,	3414
all of the following apply:	3415
(a) The training shall be coordinated by a school nurse	3416
or, if the school does not employ a school nurse, a licensed	3417
health care professional with expertise in diabetes who is	3418

approved by the school to provide the training. 3419

(b) The training shall take place prior to the beginning 3420
of each school year or, as needed, not later than fourteen days 3421
after receipt by the board of education or governing authority 3422
of an order signed by the treating practitioner of a student 3423
with diabetes. 3424

(c) On completion of the training, the board of education 3425
or governing authority, in a manner it determines, shall 3426
determine whether each employee trained is competent to provide 3427
diabetes care. 3428

(d) The school nurse or approved licensed health care 3429
professional with expertise in diabetes care shall promptly 3430
provide all necessary follow-up training and supervision to an 3431
employee who receives training. 3432

(2) The principal of a school attended by a student with 3433
diabetes or another school official authorized to act on behalf 3434
of the principal may distribute a written notice to each 3435
employee containing all of the following: 3436

(a) A statement that the school is required to provide 3437
diabetes care to a student with diabetes and is seeking 3438
employees who are willing to be trained to provide that care; 3439

(b) A description of the tasks to be performed; 3440

(c) A statement that participation is voluntary and that 3441
the school district or governing authority will not take action 3442
against an employee who does not agree to provide diabetes care; 3443

(d) A statement that training will be provided by a 3444
licensed health care professional to an employee who agrees to 3445
provide care; 3446

(e) A statement that a trained employee is immune from liability under division (J) of this section; 3447
3448

(f) The name of the individual who should be contacted if an employee is interested in providing diabetes care. 3449
3450

(3) No employee of a board of education or governing authority shall be subject to a penalty or disciplinary action under school or district policies for refusing to volunteer to be trained in diabetes care. 3451
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(4) No board or governing authority shall discourage employees from agreeing to provide diabetes care under this section. 3455
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(F) A board of education or governing authority may provide training in the recognition of hypoglycemia and hyperglycemia and actions to take in response to emergency situations involving these conditions to both of the following: 3458
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(1) A school employee who has primary responsibility for supervising a student with diabetes during some portion of the school day; 3462
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3464

(2) A bus driver employed by a school district ~~or, a~~ chartered nonpublic school, or accredited nonpublic school described in section 3301.165 of the Revised Code, who is responsible for the transportation of a student with diabetes. 3465
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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 3469
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school nurse, or that the school does not have an employee 3476
trained in diabetes care. The school shall not require or 3477
pressure a parent, guardian, or other person having care or 3478
charge of a student to provide diabetes care for the student 3479
with diabetes at school or school-related activities. 3480

(H) (1) Notwithstanding section 3313.713 of the Revised 3481
Code or any policy adopted under that section and except as 3482
provided in division (H) (2) of this section, on written request 3483
of the parent, guardian, or other person having care or charge 3484
of a student and authorization by the student's treating 3485
practitioner, a student with diabetes shall be permitted during 3486
regular school hours and school-sponsored activities to attend 3487
to the care and management of the student's diabetes in 3488
accordance with the order issued by the student's treating 3489
practitioner if the student's treating practitioner determines 3490
that the student is capable of performing diabetes care tasks. 3491
The student shall be permitted to perform diabetes care tasks in 3492
a classroom, in any area of the school or school grounds, and at 3493
any school-related activity, and to possess on the student's 3494
self at all times all necessary supplies and equipment to 3495
perform these tasks. If the student or the parent, guardian, or 3496
other person having care or charge of the student so requests, 3497
the student shall have access to a private area for performing 3498
diabetes care tasks. 3499

(2) If the student performs any diabetes care tasks or 3500
uses medical equipment for purposes other than the student's own 3501
care, the board of education or governing authority may revoke 3502
the student's permission to attend to the care and management of 3503
the student's diabetes. 3504

(I) (1) Notwithstanding any other provision of the Revised 3505

Code to the contrary, a licensed health care professional shall 3506
be permitted to provide training to a school employee under 3507
division (E) of this section or to supervise the employee in 3508
performing diabetes care tasks. 3509

(2) Nothing in this section diminishes the rights of 3510
eligible students or the obligations of school districts or 3511
governing authorities under the "Individuals with Disabilities 3512
Education Act," 20 U.S.C. 1400 et seq., section 504 of the 3513
"Rehabilitation Act," 29 U.S.C. 794, or the "Americans with 3514
Disabilities Act," 42 U.S.C. 12101 et seq. 3515

(J) (1) A school or school district, a member of a board or 3516
governing authority, or a district or school employee is not 3517
liable in damages in a civil action for injury, death, or loss 3518
to person or property allegedly arising from providing care or 3519
performing duties under this section unless the act or omission 3520
constitutes willful or wanton misconduct. 3521

This section does not eliminate, limit, or reduce any 3522
other immunity or defense that a school or school district, 3523
member of a board of education or governing authority, or 3524
district or school employee may be entitled to under Chapter 3525
2744. or any other provision of the Revised Code or under the 3526
common law of this state. 3527

(2) A school employee shall not be subject to disciplinary 3528
action under school or district policies for providing care or 3529
performing duties under this section. 3530

(3) A school nurse or other licensed health care 3531
professional shall be immune from disciplinary action by the 3532
board of nursing or any other regulatory board for providing 3533
care or performing duties under this section if the care 3534

provided or duties performed are consistent with applicable 3535
professional standards. 3536

(K) (1) Not later than the last day of December of each 3537
year, a board of education or governing authority shall report 3538
to the department of education both of the following: 3539

(a) The number of students with diabetes enrolled in the 3540
school district ~~or~~, chartered nonpublic school, or accredited
nonpublic school during the previous school year; 3541
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(b) The number of errors associated with the 3543
administration of diabetes medication to students with diabetes 3544
during the previous school year. 3545

(2) Not later than the last day of March of each year, the 3546
department shall issue a report summarizing the information 3547
received by the department under division (K) (1) of this section 3548
for the previous school year. The department shall make the 3549
report available on its internet web site. 3550

Sec. 3313.7114. (A) As used in this section, "inhaler" has 3551
the same meaning as in section 3313.7113 of the Revised Code. 3552

(B) With the approval of its governing authority, a 3553
chartered nonpublic school, accredited nonpublic school
described in section 3301.165 of the Revised Code, or 3554
nonchartered nonpublic school may procure inhalers in the manner 3555
prescribed by section 3313.7113 of the Revised Code. A 3556
chartered, accredited, or nonchartered nonpublic school that 3557
elects to do so shall comply with all provisions of that section 3558
as if it were a school district. 3559
3560

(C) A chartered, accredited, or nonchartered nonpublic 3561
school, a member of a chartered, accredited, or nonchartered 3562
nonpublic school governing authority, or an employee or 3563

contractor of the school is not liable in damages in a civil 3564
action for injury, death, or loss to person or property that 3565
allegedly arises from an act or omission associated with 3566
procuring, maintaining, accessing, or using an inhaler under 3567
this section, unless the act or omission constitutes willful or 3568
wanton misconduct. 3569

(D) A chartered, accredited, or nonchartered nonpublic 3570
school may accept donations of inhalers from a wholesale 3571
distributor of dangerous drugs or a manufacturer of dangerous 3572
drugs, as defined in section 4729.01 of the Revised Code, and 3573
may accept donations of money from any person to purchase 3574
inhalers. 3575

(E) A chartered, accredited, or nonchartered nonpublic 3576
school that elects to procure inhalers under this section shall 3577
report to the department of education each procurement and 3578
occurrence in which an inhaler is used from the school's supply 3579
of inhalers. 3580

Sec. 3313.813. (A) As used in this section: 3581

(1) "Outdoor education center" means a public or nonprofit 3582
private entity that provides to pupils enrolled in any public or 3583
accredited or chartered nonpublic elementary or secondary school 3584
an outdoor educational curriculum that the school considers to 3585
be part of its educational program. 3586

(2) "Outside-school-hours care center" has the meaning 3587
established in 7 C.F.R. 226.2. 3588

(3) "Accredited nonpublic school" means a nonpublic school 3589
described in section 3301.165 of the Revised Code. 3590

(B) The state board of education shall establish standards 3591
for a school lunch program, school breakfast program, child and 3592

adult care food program, special food service program for 3593
children, summer food service program for children, special milk 3594
program for children, food service equipment assistance program, 3595
and commodity distribution program established under the 3596
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 3597
1751, as amended, and the "Child Nutrition Act of 1966," 80 3598
Stat. 885, 42 U.S.C. 1771, as amended. Any board of education of 3599
a school district, nonprofit private school, outdoor education 3600
center, child care institution, outside-school-hours care 3601
center, or summer camp desiring to participate in such a program 3602
or required to participate under this section shall, if eligible 3603
to participate under the "National School Lunch Act," as 3604
amended, or the "Child Nutrition Act of 1966," as amended, make 3605
application to the state board of education for assistance. The 3606
board shall administer the allocation and distribution of all 3607
state and federal funds for these programs. 3608

(C) The state board of education shall require the board 3609
of education of each school district to establish and maintain a 3610
school breakfast, lunch, and summer food service program 3611
pursuant to the "National School Lunch Act" and the "Child 3612
Nutrition Act of 1966," as described in divisions (C) (1) to (4) 3613
of this section. 3614

(1) The state board shall require the board of education 3615
in each school district to establish a breakfast program in 3616
every school where at least one-fifth of the pupils in the 3617
school are eligible under federal requirements for free 3618
breakfasts and to establish a lunch program in every school 3619
where at least one-fifth of the pupils are eligible for free 3620
lunches. The board of education required to establish a 3621
breakfast program under this division may make a charge in 3622
accordance with federal requirements for each reduced price 3623

breakfast or paid breakfast to cover the cost incurred in 3624
providing that meal. 3625

(2) The state board shall require the board of education 3626
in each school district to establish a breakfast program in 3627
every school in which the parents of at least one-half of the 3628
children enrolled in the school have requested that the 3629
breakfast program be established. The board of education 3630
required to establish a program under this division may make a 3631
charge in accordance with federal requirements for each meal to 3632
cover all or part of the costs incurred in establishing such a 3633
program. 3634

(3) The state board shall require the board of education 3635
in each school district to establish one of the following for 3636
summer intervention services described in division (D) of 3637
section 3301.0711 or provided under section 3313.608 of the 3638
Revised Code, and any other summer intervention program required 3639
by law: 3640

(a) An extension of the school breakfast program pursuant 3641
to the "National School Lunch Act" and the "Child Nutrition Act 3642
of 1966"; 3643

(b) An extension of the school lunch program pursuant to 3644
those acts; 3645

(c) A summer food service program pursuant to those acts. 3646

(4) (a) If the board of education of a school district 3647
determines that, for financial reasons, it cannot comply with 3648
division (C) (1) or (3) of this section, the district board may 3649
choose not to comply with either or both divisions, except as 3650
provided in divisions (C) (4) (b) and (c) of this section. The 3651
district board publicly shall communicate to the residents of 3652

the district, in the manner it determines appropriate, its 3653
decision not to comply. 3654

(b) If a district board chooses not to comply with 3655
division (C) (1) of this section, the state board nevertheless 3656
shall require the district board to establish a breakfast 3657
program in every school where at least one-third of the pupils 3658
in the school are eligible under federal requirements for free 3659
breakfasts and to establish a lunch program in every school 3660
where at least one-third of the pupils are eligible for free 3661
lunches. The district board may make a charge in accordance with 3662
federal requirements for each reduced price breakfast or paid 3663
breakfast to cover the cost incurred in providing that meal. 3664

(c) If the board of education of a school district chooses 3665
not to comply with division (C) (3) of this section, the state 3666
board nevertheless shall require the district board to permit an 3667
approved summer food service program sponsor to use school 3668
facilities located in a school building attendance area where at 3669
least one-half of the pupils are eligible for free lunches. 3670

The department of education shall post in a prominent 3671
location on the department's web site a list of approved summer 3672
food service program sponsors that may use school facilities 3673
under this division. 3674

Subject to the provisions of sections 3313.75 and 3313.77 3675
of the Revised Code, a school district may charge the summer 3676
food service program sponsor a reasonable fee for the use of 3677
school facilities that may include the actual cost of custodial 3678
services, charges for the use of school equipment, and a 3679
prorated share of the utility costs as determined by the 3680
district board. A school district shall require the summer food 3681
service program sponsor to indemnify and hold harmless the 3682

district from any potential liability resulting from the 3683
operation of the summer food service program under this 3684
division. For this purpose, the district shall either add the 3685
summer food service program sponsor, as an additional insured 3686
party, to the district's existing liability insurance policy or 3687
require the summer food service program sponsor to submit 3688
evidence of a separate liability insurance policy, for an amount 3689
approved by the district board. The summer food service program 3690
sponsor shall be responsible for any costs incurred in obtaining 3691
coverage under either option. 3692

(d) If a school district cannot for good cause comply with 3693
the requirements of division (C) (2) or (4) (b) or (c) of this 3694
section at the time the state board determines that a district 3695
is subject to these requirements, the state board shall grant a 3696
reasonable extension of time. Good cause for an extension of 3697
time shall include, but need not be limited to, economic 3698
impossibility of compliance with the requirements at the time 3699
the state board determines that a district is subject to them. 3700

(D) (1) The state board shall accept the application of any 3701
outdoor education center in the state making application for 3702
participation in a program pursuant to division (B) of this 3703
section. 3704

(2) For purposes of participation in any program pursuant 3705
to this section, the board shall certify any outdoor education 3706
center making application as an educational unit that is part of 3707
the educational system of the state, if the center: 3708

(a) Meets the definition of an outdoor education center; 3709

(b) Provides its outdoor education curriculum to pupils on 3710
an overnight basis so that pupils are in residence at the center 3711

for more than twenty-four consecutive hours; 3712

(c) Operates under public or nonprofit private ownership 3713
in a single building or complex of buildings. 3714

(3) The board shall approve any outdoor education center 3715
certified under this division for participation in the program 3716
for which the center is making application on the same basis as 3717
any other applicant for that program. 3718

(E) Any school district board of education or chartered or 3719
accredited nonpublic school that participates in a breakfast 3720
program pursuant to this section may offer breakfast to pupils 3721
in their classrooms during the school day. 3722

(F) Notwithstanding anything in this section to the 3723
contrary, in each fiscal year in which the general assembly 3724
appropriates funds for purposes of this division, the board of 3725
education of each school district and each chartered and 3726
accredited nonpublic school that participates in a breakfast 3727
program pursuant to this section shall provide a breakfast free 3728
of charge to each pupil who is eligible under federal 3729
requirements for a reduced price breakfast. 3730

Sec. 3313.86. The board of education of each city, 3731
exempted village, local, and joint vocational school district 3732
~~and,~~ the governing authority of each chartered nonpublic 3733
school, and the governing authority of each accredited nonpublic 3734
school described in section 3301.165 of the Revised Code 3735
periodically shall review its policies and procedures to ensure 3736
the safety of students, employees, and other persons using a 3737
school building from any known hazards in the building or on 3738
building grounds that, in the judgment of the board or governing 3739
authority, pose an immediate risk to health or safety. The board 3740

or governing authority shall further ensure that its policies 3741
and procedures comply with all federal laws and regulations 3742
regarding health and safety applicable to school buildings. 3743

Sec. 3313.976. (A) No private school may receive 3744
scholarship payments from parents pursuant to section 3313.979 3745
of the Revised Code until the chief administrator of the private 3746
school registers the school with the superintendent of public 3747
instruction. The state superintendent shall register any school 3748
that meets the following requirements: 3749

(1) The school either: 3750

(a) Offers any of grades kindergarten through twelve and 3751
is located within the boundaries of the pilot project school 3752
district; 3753

(b) Offers any of grades nine through twelve and is 3754
located within the boundaries of a city, local, or exempted 3755
village school district that is both: 3756

(i) Located in a municipal corporation with a population 3757
of fifteen thousand or more; 3758

(ii) Located within five miles of the border of the pilot 3759
project school district. 3760

(2) The school indicates in writing its commitment to 3761
follow all requirements for a state-sponsored scholarship 3762
program specified under sections 3313.974 to 3313.979 of the 3763
Revised Code, including, but not limited to, the requirements 3764
for admitting students pursuant to section 3313.977 of the 3765
Revised Code; 3766

(3) The school ~~meets either:~~ 3767

(a) Meets all state minimum standards for chartered 3768

nonpublic schools in effect on July 1, 1992, except that the 3769
state superintendent at the superintendent's discretion may 3770
register nonchartered nonpublic schools meeting the other 3771
requirements of this division; or 3772

(b) Is an accredited nonpublic school described in section 3773
3301.165 of the Revised Code. 3774

(4) The school does not discriminate on the basis of race, 3775
religion, or ethnic background; 3776

(5) The school enrolls a minimum of ten students per class 3777
or a sum of at least twenty-five students in all the classes 3778
offered; 3779

(6) The school does not advocate or foster unlawful 3780
behavior or teach hatred of any person or group on the basis of 3781
race, ethnicity, national origin, or religion; 3782

(7) The school does not provide false or misleading 3783
information about the school to parents, students, or the 3784
general public; 3785

(8) For students in grades kindergarten through eight with 3786
family incomes at or below two hundred per cent of the federal 3787
poverty guidelines, as defined in section 5104.46 of the Revised 3788
Code, the school agrees not to charge any tuition in excess of 3789
the scholarship amount established pursuant to division (C) (1) 3790
of section 3313.978 of the Revised Code, excluding any increase 3791
described in division (C) (2) of that section. 3792

(9) For students in grades kindergarten through eight with 3793
family incomes above two hundred per cent of the federal poverty 3794
guidelines, whose scholarship amounts are less than the actual 3795
tuition charge of the school, the school agrees not to charge 3796
any tuition in excess of the difference between the actual 3797

tuition charge of the school and the scholarship amount 3798
established pursuant to division (C) (1) of section 3313.978 of 3799
the Revised Code, excluding any increase described in division 3800
(C) (2) of that section. The school shall permit such tuition, at 3801
the discretion of the parent, to be satisfied by the family's 3802
provision of in-kind contributions or services. 3803

(10) The school agrees not to charge any tuition to 3804
families of students in grades nine through twelve receiving a 3805
scholarship in excess of the actual tuition charge of the school 3806
less the scholarship amount established pursuant to division (C) 3807
(1) of section 3313.978 of the Revised Code, excluding any 3808
increase described in division (C) (2) of that section. 3809

(11) Except as provided in divisions (K) (1) and (L) of 3810
section 3301.0711 of the Revised Code, it annually administers 3811
the applicable assessments prescribed by section 3301.0710, 3812
3301.0712, or 3313.619 of the Revised Code to each scholarship 3813
student enrolled in the school in accordance with section 3814
3301.0711 or 3301.0712 of the Revised Code and reports to the 3815
department of education the results of each such assessment 3816
administered to each scholarship student. 3817

(B) The state superintendent shall revoke the registration 3818
of any school if, after a hearing, the superintendent determines 3819
that the school is in violation of any of the provisions of 3820
division (A) of this section. 3821

(C) Any public school located in a school district 3822
adjacent to the pilot project district may receive scholarship 3823
payments on behalf of parents pursuant to section 3313.979 of 3824
the Revised Code if the superintendent of the district in which 3825
such public school is located notifies the state superintendent 3826
prior to the first day of March that the district intends to 3827

admit students from the pilot project district for the ensuing 3828
school year pursuant to section 3327.06 of the Revised Code. 3829

(D) Any parent wishing to purchase tutorial assistance 3830
from any person or governmental entity pursuant to the pilot 3831
project program under sections 3313.974 to 3313.979 of the 3832
Revised Code shall apply to the state superintendent. The state 3833
superintendent shall approve providers who appear to possess the 3834
capability of furnishing the instructional services they are 3835
offering to provide. 3836

Sec. 3317.024. The following shall be distributed monthly, 3837
quarterly, or annually as may be determined by the state board 3838
of education: 3839

(A) An amount for each island school district and each 3840
joint state school district for the operation of each high 3841
school and each elementary school maintained within such 3842
district and for capital improvements for such schools. Such 3843
amounts shall be determined on the basis of standards adopted by 3844
the state board of education. However, for fiscal years 2012 and 3845
2013, an island district shall receive the lesser of its actual 3846
cost of operation, as certified to the department of education, 3847
or ninety-three per cent of the amount the district received in 3848
state operating funding for fiscal year 2011. If an island 3849
district received no funding for fiscal year 2011, it shall 3850
receive no funding for either of fiscal year 2012 or 2013. 3851

(B) An amount for each school district required to pay 3852
tuition for a child in an institution maintained by the 3853
department of youth services pursuant to section 3317.082 of the 3854
Revised Code, provided the child was not included in the 3855
calculation of the district's formula ADM, as that term is 3856
defined in section 3317.02 of the Revised Code, for the 3857

preceding school year. 3858

(C) An amount for the approved cost of transporting 3859
eligible pupils with disabilities attending a special education 3860
program approved by the department of education whom it is 3861
impossible or impractical to transport by regular school bus in 3862
the course of regular route transportation provided by the 3863
school district or educational service center. No district or 3864
service center is eligible to receive a payment under this 3865
division for the cost of transporting any pupil whom it 3866
transports by regular school bus and who is included in the 3867
district's transportation ADM. The state board of education 3868
shall establish standards and guidelines for use by the 3869
department of education in determining the approved cost of such 3870
transportation for each district or service center. 3871

(D) An amount to each school district, including each 3872
cooperative education school district, pursuant to section 3873
3313.81 of the Revised Code to assist in providing free lunches 3874
to needy children. The amounts shall be determined on the basis 3875
of rules adopted by the state board of education. 3876

(E) (1) An amount for auxiliary services to each school 3877
district, for each pupil attending a chartered or an accredited 3878
nonpublic elementary or high school within the district that is 3879
affiliated with a religious order, sect, church, or denomination 3880
or has a curriculum or mission that contains religious content, 3881
religious courses, devotional exercises, religious training, or 3882
any other religious activity. 3883

(2) An amount for auxiliary services paid directly to each 3884
chartered or an accredited nonpublic school not described in 3885
division (E) (1) of this section for each pupil attending the 3886
school. 3887

The amount paid under divisions (E) (1) and (2) of this 3888
section shall equal the total amount appropriated for the 3889
implementation of sections 3317.06 and 3317.062 of the Revised 3890
Code divided by the average daily membership in grades 3891
kindergarten through twelve in chartered or accredited nonpublic 3892
elementary and high schools within the state as determined as of 3893
the last day of October of each school year. 3894

For purposes of this section, "accredited nonpublic 3895
school" means a nonpublic school described in section 3301.165 3896
of the Revised Code. 3897

(F) An amount for each county board of developmental 3898
disabilities, distributed on the basis of standards adopted by 3899
the state board of education, for the approved cost of 3900
transportation required for children attending special education 3901
programs operated by the county board under section 3323.09 of 3902
the Revised Code; 3903

(G) An amount to each institution defined under section 3904
3317.082 of the Revised Code providing elementary or secondary 3905
education to children other than children receiving special 3906
education under section 3323.091 of the Revised Code. This 3907
amount for any institution in any fiscal year shall equal the 3908
total of all tuition amounts required to be paid to the 3909
institution under division (A) (1) of section 3317.082 of the 3910
Revised Code. 3911

The state board of education or any other board of 3912
education or governing board may provide for any resident of a 3913
district or educational service center territory any educational 3914
service for which funds are made available to the board by the 3915
United States under the authority of public law, whether such 3916
funds come directly or indirectly from the United States or any 3917

agency or department thereof or through the state or any agency, 3918
department, or political subdivision thereof. 3919

Sec. 3317.03. (A) The superintendent of each city, local, 3920
and exempted village school district shall report to the state 3921
board of education as of the last day of October, March, and 3922
June of each year the enrollment of students receiving services 3923
from schools under the superintendent's supervision, and the 3924
numbers of other students entitled to attend school in the 3925
district under section 3313.64 or 3313.65 of the Revised Code 3926
the superintendent is required to report under this section, so 3927
that the department of education can calculate the district's 3928
formula ADM, total ADM, category one through five career- 3929
technical education ADM, category one through three limited 3930
English proficient ADM, category one through six special 3931
education ADM, preschool scholarship ADM, transportation ADM, 3932
and, for purposes of provisions of law outside of Chapter 3317. 3933
of the Revised Code, average daily membership. 3934

(1) The enrollment reported by the superintendent during 3935
the reporting period shall consist of the number of students in 3936
grades kindergarten through twelve receiving any educational 3937
services from the district, except that the following categories 3938
of students shall not be included in the determination: 3939

(a) Students enrolled in adult education classes; 3940

(b) Adjacent or other district students enrolled in the 3941
district under an open enrollment policy pursuant to section 3942
3313.98 of the Revised Code; 3943

(c) Students receiving services in the district pursuant 3944
to a compact, cooperative education agreement, or a contract, 3945
but who are entitled to attend school in another district 3946

pursuant to section 3313.64 or 3313.65 of the Revised Code; 3947

(d) Students for whom tuition is payable pursuant to 3948
sections 3317.081 and 3323.141 of the Revised Code; 3949

(e) Students receiving services in the district through a 3950
scholarship awarded under either section 3310.41 or sections 3951
3310.51 to 3310.64 of the Revised Code. 3952

When reporting students under division (A)(1) of this 3953
section, the superintendent also shall report the district where 3954
each student is entitled to attend school pursuant to sections 3955
3313.64 and 3313.65 of the Revised Code. 3956

(2) The department of education shall compile a list of 3957
all students reported to be enrolled in a district under 3958
division (A)(1) of this section and of the students entitled to 3959
attend school in the district pursuant to section 3313.64 or 3960
3313.65 of the Revised Code on an FTE basis but receiving 3961
educational services in grades kindergarten through twelve from 3962
one or more of the following entities: 3963

(a) A community school pursuant to Chapter 3314. of the 3964
Revised Code, including any participation in a college pursuant 3965
to Chapter 3365. of the Revised Code while enrolled in such 3966
community school; 3967

(b) An alternative school pursuant to sections 3313.974 to 3968
3313.979 of the Revised Code as described in division (I)(2)(a) 3969
or (b) of this section; 3970

(c) A college pursuant to Chapter 3365. of the Revised 3971
Code, except when the student is enrolled in the college while 3972
also enrolled in a community school pursuant to Chapter 3314., a 3973
science, technology, engineering, and mathematics school 3974
established under Chapter 3326., or a college-preparatory 3975

boarding school established under Chapter 3328. of the Revised Code;	3976 3977
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	3978 3979 3980
(e) An educational service center or cooperative education district;	3981 3982
(f) Another school district under a cooperative education agreement, compact, or contract;	3983 3984
(g) A chartered <u>or an accredited nonpublic</u> school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code + .	3985 3986 3987 3988
<u>As used in this division and in division (B) (3) (f) of this section, "accredited nonpublic school" means a nonpublic school described in section 3301.165 of the Revised Code.</u>	3989 3990 3991
(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.	3992 3993 3994
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.	3995 3996 3997
(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;	3998 3999 4000 4001
(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any	4002 4003

participation in a college pursuant to Chapter 3365. of the 4004
Revised Code while enrolled in the school. 4005

(3) The department also shall compile a list of the 4006
students entitled to attend school in the district under section 4007
3313.64 or 3313.65 of the Revised Code who are enrolled in a 4008
joint vocational school district or under a career-technical 4009
education compact, excluding any students so entitled to attend 4010
school in the district who are enrolled in another school 4011
district through an open enrollment policy as reported under 4012
division (A) (2) (d) of this section and then enroll in a joint 4013
vocational school district or under a career-technical education 4014
compact. 4015

The department shall provide each city, local, and 4016
exempted village school district with an opportunity to review 4017
the list of students compiled under divisions (A) (2) and (3) of 4018
this section to ensure that the students reported accurately 4019
reflect the enrollment of students in the district. 4020

(B) To enable the department of education to obtain the 4021
data needed to complete the calculation of payments pursuant to 4022
this chapter, each superintendent shall certify from the reports 4023
provided by the department under division (A) of this section 4024
all of the following: 4025

(1) The total student enrollment in regular learning day 4026
classes included in the report under division (A) (1) or (2) of 4027
this section for each of the individual grades kindergarten 4028
through twelve in schools under the superintendent's 4029
supervision; 4030

(2) The unduplicated count of the number of preschool 4031
children with disabilities enrolled in the district for whom the 4032

district is eligible to receive funding under section 3317.0213 4033
of the Revised Code adjusted for the portion of the year each 4034
child is so enrolled, in accordance with the disability 4035
categories prescribed in section 3317.013 of the Revised Code; 4036

(3) The number of children entitled to attend school in 4037
the district pursuant to section 3313.64 or 3313.65 of the 4038
Revised Code who are: 4039

(a) Participating in a pilot project scholarship program 4040
established under sections 3313.974 to 3313.979 of the Revised 4041
Code as described in division (I)(2)(a) or (b) of this section; 4042

(b) Enrolled in a college under Chapter 3365. of the 4043
Revised Code, except when the student is enrolled in the college 4044
while also enrolled in a community school pursuant to Chapter 4045
3314. of the Revised Code, a science, technology, engineering, 4046
and mathematics school established under Chapter 3326., or a 4047
college-preparatory boarding school established under Chapter 4048
3328. of the Revised Code; 4049

(c) Enrolled in an adjacent or other school district under 4050
section 3313.98 of the Revised Code; 4051

(d) Enrolled in a community school established under 4052
Chapter 3314. of the Revised Code that is not an internet- or 4053
computer-based community school as defined in section 3314.02 of 4054
the Revised Code, including any participation in a college 4055
pursuant to Chapter 3365. of the Revised Code while enrolled in 4056
such community school; 4057

(e) Enrolled in an internet- or computer-based community 4058
school, as defined in section 3314.02 of the Revised Code, 4059
including any participation in a college pursuant to Chapter 4060
3365. of the Revised Code while enrolled in the school; 4061

(f) Enrolled in a chartered <u>or an accredited</u> nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	4062 4063 4064 4065
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	4066 4067 4068 4069
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	4070 4071 4072 4073
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	4074 4075
(j) Enrolled in 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;	4076 4077 4078 4079 4080
(k) Enrolled in 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;	4081 4082 4083 4084
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	4085 4086 4087
(4) The total enrollment of pupils in joint vocational schools;	4088 4089

(5) The combined enrollment of children with disabilities 4090
reported under division (A) (1) or (2) of this section receiving 4091
special education services for the category one disability 4092
described in division (A) of section 3317.013 of the Revised 4093
Code, including children attending a special education program 4094
operated by an alternative public provider or a registered 4095
private provider with a scholarship awarded under sections 4096
3310.51 to 3310.64 of the Revised Code; 4097

(6) The combined enrollment of children with disabilities 4098
reported under division (A) (1) or (2) of this section receiving 4099
special education services for category two disabilities 4100
described in division (B) of section 3317.013 of the Revised 4101
Code, including children attending a special education program 4102
operated by an alternative public provider or a registered 4103
private provider with a scholarship awarded under sections 4104
3310.51 to 3310.64 of the Revised Code; 4105

(7) The combined enrollment of children with disabilities 4106
reported under division (A) (1) or (2) of this section receiving 4107
special education services for category three disabilities 4108
described in division (C) of section 3317.013 of the Revised 4109
Code, including children attending a special education program 4110
operated by an alternative public provider or a registered 4111
private provider with a scholarship awarded under sections 4112
3310.51 to 3310.64 of the Revised Code; 4113

(8) The combined enrollment of children with disabilities 4114
reported under division (A) (1) or (2) of this section receiving 4115
special education services for category four disabilities 4116
described in division (D) of section 3317.013 of the Revised 4117
Code, including children attending a special education program 4118
operated by an alternative public provider or a registered 4119

private provider with a scholarship awarded under sections 4120
3310.51 to 3310.64 of the Revised Code; 4121

(9) The combined enrollment of children with disabilities 4122
reported under division (A)(1) or (2) of this section receiving 4123
special education services for the category five disabilities 4124
described in division (E) of section 3317.013 of the Revised 4125
Code, including children attending a special education program 4126
operated by an alternative public provider or a registered 4127
private provider with a scholarship awarded under sections 4128
3310.51 to 3310.64 of the Revised Code; 4129

(10) The combined enrollment of children with disabilities 4130
reported under division (A)(1) or (2) and under division (B)(3) 4131
(h) of this section receiving special education services for 4132
category six disabilities described in division (F) of section 4133
3317.013 of the Revised Code, including children attending a 4134
special education program operated by an alternative public 4135
provider or a registered private provider with a scholarship 4136
awarded under either section 3310.41 or sections 3310.51 to 4137
3310.64 of the Revised Code; 4138

(11) The enrollment of pupils reported under division (A) 4139
(1) or (2) of this section on a full-time equivalency basis in 4140
category one career-technical education programs or classes, 4141
described in division (A) of section 3317.014 of the Revised 4142
Code, operated by the school district or by another district 4143
that is a member of the district's career-technical planning 4144
district, other than a joint vocational school district, or by 4145
an educational service center, notwithstanding division (G) of 4146
section 3317.02 of the Revised Code and division (C)(3) of this 4147
section; 4148

(12) The enrollment of pupils reported under division (A) 4149

(1) or (2) of this section on a full-time equivalency basis in 4150
category two career-technical education programs or services, 4151
described in division (B) of section 3317.014 of the Revised 4152
Code, operated by the school district or another school district 4153
that is a member of the district's career-technical planning 4154
district, other than a joint vocational school district, or by 4155
an educational service center, notwithstanding division (G) of 4156
section 3317.02 of the Revised Code and division (C) (3) of this 4157
section; 4158

(13) The enrollment of pupils reported under division (A) 4159
(1) or (2) of this section on a full-time equivalency basis in 4160
category three career-technical education programs or services, 4161
described in division (C) of section 3317.014 of the Revised 4162
Code, operated by the school district or another school district 4163
that is a member of the district's career-technical planning 4164
district, other than a joint vocational school district, or by 4165
an educational service center, notwithstanding division (G) of 4166
section 3317.02 of the Revised Code and division (C) (3) of this 4167
section; 4168

(14) The enrollment of pupils reported under division (A) 4169
(1) or (2) of this section on a full-time equivalency basis in 4170
category four career-technical education programs or services, 4171
described in division (D) of section 3317.014 of the Revised 4172
Code, operated by the school district or another school district 4173
that is a member of the district's career-technical planning 4174
district, other than a joint vocational school district, or by 4175
an educational service center, notwithstanding division (G) of 4176
section 3317.02 of the Revised Code and division (C) (3) of this 4177
section; 4178

(15) The enrollment of pupils reported under division (A) 4179

(1) or (2) of this section on a full-time equivalency basis in 4180
category five career-technical education programs or services, 4181
described in division (E) of section 3317.014 of the Revised 4182
Code, operated by the school district or another school district 4183
that is a member of the district's career-technical planning 4184
district, other than a joint vocational school district, or by 4185
an educational service center, notwithstanding division (G) of 4186
section 3317.02 of the Revised Code and division (C) (3) of this 4187
section; 4188

(16) The enrollment of pupils reported under division (A) 4189
(1) or (2) of this section who are limited English proficient 4190
students described in division (A) of section 3317.016 of the 4191
Revised Code, excluding any student reported under division (B) 4192
(3) (e) of this section as enrolled in an internet- or computer- 4193
based community school; 4194

(17) The enrollment of pupils reported under division (A) 4195
(1) or (2) of this section who are limited English proficient 4196
students described in division (B) of section 3317.016 of the 4197
Revised Code, excluding any student reported under division (B) 4198
(3) (e) of this section as enrolled in an internet- or computer- 4199
based community school; 4200

(18) The enrollment of pupils reported under division (A) 4201
(1) or (2) of this section who are limited English proficient 4202
students described in division (C) of section 3317.016 of the 4203
Revised Code, excluding any student reported under division (B) 4204
(3) (e) of this section as enrolled in an internet- or computer- 4205
based community school; 4206

(19) The average number of children transported during the 4207
reporting period by the school district on board-owned or 4208
contractor-owned and -operated buses, reported in accordance 4209

with rules adopted by the department of education; 4210

(20) (a) The number of children, other than preschool 4211
children with disabilities, the district placed with a county 4212
board of developmental disabilities in fiscal year 1998. 4213
Division (B) (20) (a) of this section does not apply after fiscal 4214
year 2013. 4215

(b) The number of children with disabilities, other than 4216
preschool children with disabilities, placed with a county board 4217
of developmental disabilities in the current fiscal year to 4218
receive special education services for the category one 4219
disability described in division (A) of section 3317.013 of the 4220
Revised Code; 4221

(c) The number of children with disabilities, other than 4222
preschool children with disabilities, placed with a county board 4223
of developmental disabilities in the current fiscal year to 4224
receive special education services for category two disabilities 4225
described in division (B) of section 3317.013 of the Revised 4226
Code; 4227

(d) The number of children with disabilities, other than 4228
preschool children with disabilities, placed with a county board 4229
of developmental disabilities in the current fiscal year to 4230
receive special education services for category three 4231
disabilities described in division (C) of section 3317.013 of 4232
the Revised Code; 4233

(e) The number of children with disabilities, other than 4234
preschool children with disabilities, placed with a county board 4235
of developmental disabilities in the current fiscal year to 4236
receive special education services for category four 4237
disabilities described in division (D) of section 3317.013 of 4238

the Revised Code; 4239

(f) The number of children with disabilities, other than 4240
preschool children with disabilities, placed with a county board 4241
of developmental disabilities in the current fiscal year to 4242
receive special education services for the category five 4243
disabilities described in division (E) of section 3317.013 of 4244
the Revised Code; 4245

(g) The number of children with disabilities, other than 4246
preschool children with disabilities, placed with a county board 4247
of developmental disabilities in the current fiscal year to 4248
receive special education services for category six disabilities 4249
described in division (F) of section 3317.013 of the Revised 4250
Code. 4251

(21) The enrollment of students who are economically 4252
disadvantaged, as defined by the department, excluding any 4253
student reported under division (B) (3) (e) of this section as 4254
enrolled in an internet- or computer-based community school. A 4255
student shall not be categorically excluded from the number 4256
reported under division (B) (21) of this section based on 4257
anything other than family income. 4258

(C) (1) The state board of education shall adopt rules 4259
necessary for implementing divisions (A), (B), and (D) of this 4260
section. 4261

(2) A student enrolled in a community school established 4262
under Chapter 3314., a science, technology, engineering, and 4263
mathematics school established under Chapter 3326., or a 4264
college-preparatory boarding school established under Chapter 4265
3328. of the Revised Code shall be counted in the formula ADM 4266
and, if applicable, the category one, two, three, four, five, or 4267

six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school for purposes of section 3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding the enrollment of students certified pursuant to division (B) (3) (d), (e), (j), or (k) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school, a science, technology, engineering, and mathematics school, or a college-preparatory boarding school for only a portion of the school year.

(3) No child shall be counted as more than a total of one child in the sum of the enrollment of students of a school district under division (A), divisions (B) (1) to (22), or division (D) of this section, except as follows:

(a) A child with a disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division (G) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in career-technical education

programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one, two, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one, two, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the career-technical education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D) (1) The superintendent of each joint vocational school district shall report and certify to the superintendent of public instruction as of the last day of October, March, and June of each year the enrollment of students receiving services from schools under the superintendent's supervision so that the department can calculate the district's formula ADM, total ADM, category one through five career-technical education ADM, category one through three limited English proficient ADM, category one through six special education ADM, and for purposes of provisions of law outside of Chapter 3317. of the Revised Code, average daily membership.

The enrollment reported and certified by the superintendent, except as otherwise provided in this division, shall consist of the ~~the~~ number of students in grades six through twelve receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	4328 4329 4330
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;	4331 4332 4333 4334 4335
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	4336 4337
(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the report provided under division (D)(1) of this section the enrollment for each of the following categories of students:	4338 4339 4340 4341 4342
(a) Students enrolled in each individual grade included in the joint vocational district schools;	4343 4344
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	4345 4346 4347
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	4348 4349 4350
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	4351 4352 4353
(e) Children with disabilities receiving special education services for category four disabilities described in division	4354 4355

(D) of section 3317.013 of the Revised Code;	4356
(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;	4357 4358 4359
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	4360 4361 4362
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	4363 4364 4365
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	4366 4367 4368
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	4369 4370 4371
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	4372 4373 4374
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	4375 4376 4377
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	4378 4379
(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;	4380 4381
(o) Limited English proficient students described in	4382

division (C) of section 3317.016 of the Revised Code; 4383

(p) Students who are economically disadvantaged, as 4384
defined by the department. A student shall not be categorically 4385
excluded from the number reported under division (D) (2) (p) of 4386
this section based on anything other than family income. 4387

The superintendent of each joint vocational school 4388
district shall also indicate the city, local, or exempted 4389
village school district in which each joint vocational district 4390
pupil is entitled to attend school pursuant to section 3313.64 4391
or 3313.65 of the Revised Code. 4392

(E) In each school of each city, local, exempted village, 4393
joint vocational, and cooperative education school district 4394
there shall be maintained a record of school enrollment, which 4395
record shall accurately show, for each day the school is in 4396
session, the actual enrollment in regular day classes. For the 4397
purpose of determining the enrollment of students, the 4398
enrollment figure of any school shall not include any pupils 4399
except those pupils described by division (A) of this section. 4400
The record of enrollment for each school shall be maintained in 4401
such manner that no pupil shall be counted as enrolled prior to 4402
the actual date of entry in the school and also in such manner 4403
that where for any cause a pupil permanently withdraws from the 4404
school that pupil shall not be counted as enrolled from and 4405
after the date of such withdrawal. There shall not be included 4406
in the enrollment of any school any of the following: 4407

(1) Any pupil who has graduated from the twelfth grade of 4408
a public or nonpublic high school; 4409

(2) Any pupil who is not a resident of the state; 4410

(3) Any pupil who was enrolled in the schools of the 4411

district during the previous school year when assessments were 4412
administered under section 3301.0711 of the Revised Code but did 4413
not take one or more of the assessments required by that section 4414
and was not excused pursuant to division (C) (1) or (3) of that 4415
section; 4416

(4) Any pupil who has attained the age of twenty-two 4417
years, except for veterans of the armed services whose 4418
attendance was interrupted before completing the recognized 4419
twelve-year course of the public schools by reason of induction 4420
or enlistment in the armed forces and who apply for reenrollment 4421
in the public school system of their residence not later than 4422
four years after termination of war or their honorable 4423
discharge; 4424

(5) Any pupil who has a certificate of high school 4425
equivalence as defined in section 5107.40 of the Revised Code. 4426

If, however, any veteran described by division (E) (4) of 4427
this section elects to enroll in special courses organized for 4428
veterans for whom tuition is paid under the provisions of 4429
federal laws, or otherwise, that veteran shall not be included 4430
in the enrollment of students determined under this section. 4431

Notwithstanding division (E) (3) of this section, the 4432
enrollment of any school may include a pupil who did not take an 4433
assessment required by section 3301.0711 of the Revised Code if 4434
the superintendent of public instruction grants a waiver from 4435
the requirement to take the assessment to the specific pupil and 4436
a parent is not paying tuition for the pupil pursuant to section 4437
3313.6410 of the Revised Code. The superintendent may grant such 4438
a waiver only for good cause in accordance with rules adopted by 4439
the state board of education. 4440

The formula ADM, total ADM, category one through five 4441
career-technical education ADM, category one through three 4442
limited English proficient ADM, category one through six special 4443
education ADM, preschool scholarship ADM, transportation ADM, 4444
and, for purposes of provisions of law outside of Chapter 3317. 4445
of the Revised Code, average daily membership of any school 4446
district shall be determined in accordance with rules adopted by 4447
the state board of education. 4448

(F) (1) If a student attending a community school under 4449
Chapter 3314., a science, technology, engineering, and 4450
mathematics school established under Chapter 3326., or a 4451
college-preparatory boarding school established under Chapter 4452
3328. of the Revised Code is not included in the formula ADM 4453
calculated for the school district in which the student is 4454
entitled to attend school under section 3313.64 or 3313.65 of 4455
the Revised Code, the department of education shall adjust the 4456
formula ADM of that school district to include the student in 4457
accordance with division (C) (2) of this section, and shall 4458
recalculate the school district's payments under this chapter 4459
for the entire fiscal year on the basis of that adjusted formula 4460
ADM. 4461

(2) If a student awarded an educational choice scholarship 4462
is not included in the formula ADM of the school district from 4463
which the department deducts funds for the scholarship under 4464
section 3310.08 of the Revised Code, the department shall adjust 4465
the formula ADM of that school district to include the student 4466
to the extent necessary to account for the deduction, and shall 4467
recalculate the school district's payments under this chapter 4468
for the entire fiscal year on the basis of that adjusted formula 4469
ADM. 4470

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.55 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.

(G) (1) (a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's

supervision, certify to the state board of education the 4501
enrollment in those units, in the manner prescribed by the 4502
superintendent of public instruction. 4503

(2) The superintendent of each county board of 4504
developmental disabilities that maintains special education 4505
classes under section 3317.20 of the Revised Code or provides 4506
services to preschool children with disabilities pursuant to an 4507
agreement between the county board and the appropriate school 4508
district shall do both of the following: 4509

(a) Certify to the state board, in the manner prescribed 4510
by the board, the enrollment in classes under section 3317.20 of 4511
the Revised Code for each school district that has placed 4512
children in the classes; 4513

(b) Certify to the state board, in the manner prescribed 4514
by the board, the unduplicated count of the number of all 4515
preschool children with disabilities enrolled in classes for 4516
which the ~~DD~~board is eligible to receive funding under section 4517
3317.0213 of the Revised Code adjusted for the portion of the 4518
year each child is so enrolled, reported according to the 4519
categories prescribed in section 3317.013 of the Revised Code, 4520
and the number of those classes. 4521

(H) Except as provided in division (I) of this section, 4522
when any city, local, or exempted village school district 4523
provides instruction for a nonresident pupil whose attendance is 4524
unauthorized attendance as defined in section 3327.06 of the 4525
Revised Code, that pupil's enrollment shall not be included in 4526
that district's enrollment figure used in calculating the 4527
district's payments under this chapter. The reporting official 4528
shall report separately the enrollment of all pupils whose 4529
attendance in the district is unauthorized attendance, and the 4530

enrollment of each such pupil shall be credited to the school 4531
district in which the pupil is entitled to attend school under 4532
division (B) of section 3313.64 or section 3313.65 of the 4533
Revised Code as determined by the department of education. 4534

(I) (1) A city, local, exempted village, or joint 4535
vocational school district admitting a scholarship student of a 4536
pilot project district pursuant to division (C) of section 4537
3313.976 of the Revised Code may count such student in its 4538
enrollment. 4539

(2) In any year for which funds are appropriated for pilot 4540
project scholarship programs, a school district implementing a 4541
state-sponsored pilot project scholarship program that year 4542
pursuant to sections 3313.974 to 3313.979 of the Revised Code 4543
may count in its enrollment: 4544

(a) All children residing in the district and utilizing a 4545
scholarship to attend kindergarten in any alternative school, as 4546
defined in section 3313.974 of the Revised Code; 4547

(b) All children who were enrolled in the district in the 4548
preceding year who are utilizing a scholarship to attend an 4549
alternative school. 4550

(J) The superintendent of each cooperative education 4551
school district shall certify to the superintendent of public 4552
instruction, in a manner prescribed by the state board of 4553
education, the applicable enrollments for all students in the 4554
cooperative education district, also indicating the city, local, 4555
or exempted village district where each pupil is entitled to 4556
attend school under section 3313.64 or 3313.65 of the Revised 4557
Code. 4558

(K) If the superintendent of public instruction determines 4559

that a component of the enrollment certified or reported by a 4560
district superintendent, or other reporting entity, is not 4561
correct, the superintendent of public instruction may order that 4562
the formula ADM used for the purposes of payments under any 4563
section of Title XXXIII of the Revised Code be adjusted in the 4564
amount of the error. 4565

Sec. 3317.06. Moneys paid to school districts under 4566
division (E) (1) of section 3317.024 of the Revised Code shall be 4567
used for the following independent and fully severable purposes 4568
on behalf of students enrolled in chartered and accredited 4569
nonpublic schools: 4570

(A) To purchase such secular textbooks or digital texts as 4571
have been approved by the superintendent of public instruction 4572
for use in public schools in the state and to loan such 4573
textbooks or digital texts to pupils attending nonpublic schools 4574
within the district described in division (E) (1) of section 4575
3317.024 of the Revised Code or to their parents and to hire 4576
clerical personnel to administer such lending program. Such 4577
loans shall be based upon individual requests submitted by such 4578
nonpublic school pupils or parents. Such requests shall be 4579
submitted to the school district in which the nonpublic school 4580
is located. Such individual requests for the loan of textbooks 4581
or digital texts shall, for administrative convenience, be 4582
submitted by the nonpublic school pupil or the pupil's parent to 4583
the nonpublic school, which shall prepare and submit collective 4584
summaries of the individual requests to the school district. As 4585
used in this section: 4586

(1) "Textbook" means any book or book substitute that a 4587
pupil uses as a consumable or nonconsumable text, text 4588
substitute, or text supplement in a particular class or program 4589

in the school the pupil regularly attends. 4590

(2) "Digital text" means a consumable book or book 4591
substitute that a student accesses through the use of a computer 4592
or other electronic medium or that is available through an 4593
internet-based provider of course content, or any other material 4594
that contributes to the learning process through electronic 4595
means. 4596

(B) To provide speech and hearing diagnostic services to 4597
pupils attending nonpublic schools within the district described 4598
in division (E) (1) of section 3317.024 of the Revised Code. Such 4599
service shall be provided in the nonpublic school attended by 4600
the pupil receiving the service. 4601

(C) To provide physician, nursing, dental, and optometric 4602
services to pupils attending nonpublic schools within the 4603
district described in division (E) (1) of section 3317.024 of the 4604
Revised Code. Such services shall be provided in the school 4605
attended by the nonpublic school pupil receiving the service. 4606

(D) To provide diagnostic psychological services to pupils 4607
attending nonpublic schools within the district described in 4608
division (E) (1) of section 3317.024 of the Revised Code. Such 4609
services shall be provided in the school attended by the pupil 4610
receiving the service. 4611

(E) To provide therapeutic psychological and speech and 4612
hearing services to pupils attending nonpublic schools within 4613
the district described in division (E) (1) of section 3317.024 of 4614
the Revised Code. Such services shall be provided in the public 4615
school, in nonpublic schools, in public centers, or in mobile 4616
units located on or off of the nonpublic premises. If such 4617
services are provided in the public school or in public centers, 4618

transportation to and from such facilities shall be provided by 4619
the school district in which the nonpublic school is located. 4620

(F) To provide guidance, counseling, and social work 4621
services to pupils attending nonpublic schools within the 4622
district described in division (E) (1) of section 3317.024 of the 4623
Revised Code. Such services shall be provided in the public 4624
school, in nonpublic schools, in public centers, or in mobile 4625
units located on or off of the nonpublic premises. If such 4626
services are provided in the public school or in public centers, 4627
transportation to and from such facilities shall be provided by 4628
the school district in which the nonpublic school is located. 4629

(G) To provide remedial services to pupils attending 4630
nonpublic schools within the district described in division (E) 4631
(1) of section 3317.024 of the Revised Code. Such services shall 4632
be provided in the public school, in nonpublic schools, in 4633
public centers, or in mobile units located on or off of the 4634
nonpublic premises. If such services are provided in the public 4635
school or in public centers, transportation to and from such 4636
facilities shall be provided by the school district in which the 4637
nonpublic school is located. 4638

(H) To supply for use by pupils attending nonpublic 4639
schools within the district described in division (E) (1) of 4640
section 3317.024 of the Revised Code such standardized tests and 4641
scoring services as are in use in the public schools of the 4642
state; 4643

(I) To provide programs for children who attend nonpublic 4644
schools within the district described in division (E) (1) of 4645
section 3317.024 of the Revised Code and are children with 4646
disabilities as defined in section 3323.01 of the Revised Code 4647
or gifted children. Such programs shall be provided in the 4648

public school, in nonpublic schools, in public centers, or in 4649
mobile units located on or off of the nonpublic premises. If 4650
such programs are provided in the public school or in public 4651
centers, transportation to and from such facilities shall be 4652
provided by the school district in which the nonpublic school is 4653
located. 4654

(J) To hire clerical personnel to assist in the 4655
administration of programs pursuant to divisions (B), (C), (D), 4656
(E), (F), (G), and (I) of this section and to hire supervisory 4657
personnel to supervise the providing of services and textbooks 4658
pursuant to this section. 4659

(K) To purchase or lease any secular, neutral, and 4660
nonideological computer application software designed to assist 4661
students in performing a single task or multiple related tasks, 4662
device management software, learning management software, site- 4663
licensing, digital video on demand (DVD), wide area connectivity 4664
and related technology as it relates to internet access, 4665
mathematics or science equipment and materials, instructional 4666
materials, and school library materials that are in general use 4667
in the public schools of the state and loan such items to pupils 4668
attending nonpublic schools within the district described in 4669
division (E)(1) of section 3317.024 of the Revised Code or to 4670
their parents, and to hire clerical personnel to administer the 4671
lending program. Only such items that are incapable of diversion 4672
to religious use and that are susceptible of loan to individual 4673
pupils and are furnished for the use of individual pupils shall 4674
be purchased and loaned under this division. As used in this 4675
section, "instructional materials" means prepared learning 4676
materials that are secular, neutral, and nonideological in 4677
character and are of benefit to the instruction of school 4678
children. "Instructional materials" includes media content that 4679

a student may access through the use of a computer or electronic device. 4680
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Mobile applications that are secular, neutral, and nonideological in character and that are purchased for less than twenty dollars for instructional use shall be considered to be consumable and shall be distributed to students without the expectation that the applications must be returned. 4682
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(L) To purchase or lease instructional equipment, including computer hardware and related equipment in general use in the public schools of the state, for use by pupils attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code and to loan such items to pupils attending such nonpublic schools within the district or to their parents, and to hire clerical personnel to administer the lending program. "Computer hardware and related equipment" includes desktop computers and workstations; laptop computers, computer tablets, and other mobile handheld devices; their operating systems and accessories; and any equipment designed to make accessible the environment of a classroom to a student, who is physically unable to attend classroom activities due to hospitalization or other circumstances, by allowing real-time interaction with other students both one-on-one and in group discussion. 4687
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(M) To purchase mobile units to be used for the provision of services pursuant to divisions (E), (F), (G), and (I) of this section and to pay for necessary repairs and operating costs associated with these units. 4703
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(N) To reimburse costs the district incurred to store the records of a chartered or accredited nonpublic school that closes. Reimbursements under this division shall be made one 4707
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time only for each chartered or accredited nonpublic school 4710
described in division (E) (1) of section 3317.024 of the Revised 4711
Code that closes. 4712

(O) To purchase life-saving medical or other emergency 4713
equipment for placement in nonpublic schools within the district 4714
described in division (E) (1) of section 3317.024 of the Revised 4715
Code or to maintain such equipment. 4716

(P) To procure and pay for security services from a county 4717
sheriff or a township or municipal police force or from a person 4718
certified through the Ohio peace officer training commission, in 4719
accordance with section 109.78 of the Revised Code, as a special 4720
police, security guard, or as a privately employed person 4721
serving in a police capacity for nonpublic schools in the 4722
district described in division (E) (1) of section 3317.024 of the 4723
Revised Code. 4724

(Q) To provide language and academic support services and 4725
other accommodations for English language learners attending 4726
nonpublic schools within the district described in division (E) 4727
(1) of section 3317.024 of the Revised Code. 4728

Clerical and supervisory personnel hired pursuant to 4729
division (J) of this section shall perform their services in the 4730
public schools, in nonpublic schools, public centers, or mobile 4731
units where the services are provided to the nonpublic school 4732
pupil, except that such personnel may accompany pupils to and 4733
from the service sites when necessary to ensure the safety of 4734
the children receiving the services. 4735

All services provided pursuant to this section may be 4736
provided under contract with educational service centers, the 4737
department of health, city or general health districts, or 4738

private agencies whose personnel are properly licensed by an 4739
appropriate state board or agency. 4740

Transportation of pupils provided pursuant to divisions 4741
(E), (F), (G), and (I) of this section shall be provided by the 4742
school district from its general funds and not from moneys paid 4743
to it under division (E) (1) of section 3317.024 of the Revised 4744
Code unless a special transportation request is submitted by the 4745
parent of the child receiving service pursuant to such 4746
divisions. If such an application is presented to the school 4747
district, it may pay for the transportation from moneys paid to 4748
it under division (E) (1) of section 3317.024 of the Revised 4749
Code. 4750

No school district shall provide health or remedial 4751
services to nonpublic school pupils as authorized by this 4752
section unless such services are available to pupils attending 4753
the public schools within the district. 4754

Materials, equipment, computer hardware or software, 4755
textbooks, digital texts, and health and remedial services 4756
provided for the benefit of nonpublic school pupils pursuant to 4757
this section and the admission of pupils to such nonpublic 4758
schools shall be provided without distinction as to race, creed, 4759
color, or national origin of such pupils or of their teachers. 4760

No school district shall provide services, materials, or 4761
equipment that contain religious content for use in religious 4762
courses, devotional exercises, religious training, or any other 4763
religious activity. 4764

As used in this section, "parent" includes a person 4765
standing in loco parentis to a child. 4766

As used in this section, "accredited nonpublic school" 4767

means a nonpublic school described in section 3301.165 of the 4768
Revised Code. 4769

Notwithstanding section 3317.01 of the Revised Code, 4770
payments shall be made under this section to any city, local, or 4771
exempted village school district within which is located one or 4772
more nonpublic elementary or high schools described in division 4773
(E) (1) of section 3317.024 of the Revised Code and any payments 4774
made to school districts under division (E) (1) of section 4775
3317.024 of the Revised Code for purposes of this section may be 4776
disbursed without submission to and approval of the controlling 4777
board. 4778

The allocation of payments for materials, equipment, 4779
textbooks, digital texts, health services, and remedial services 4780
to city, local, and exempted village school districts shall be 4781
on the basis of the state board of education's estimated annual 4782
average daily membership in nonpublic elementary and high 4783
schools located in the district described in division (E) (1) of 4784
section 3317.024 of the Revised Code. 4785

Payments made to city, local, and exempted village school 4786
districts under this section shall be equal to specific 4787
appropriations made for the purpose. All interest earned by a 4788
school district on such payments shall be used by the district 4789
for the same purposes and in the same manner as the payments may 4790
be used. 4791

The department of education shall adopt guidelines and 4792
procedures under which such programs and services shall be 4793
provided, under which districts shall be reimbursed for 4794
administrative costs incurred in providing such programs and 4795
services, and under which any unexpended balance of the amounts 4796
appropriated by the general assembly to implement this section 4797

may be transferred to the auxiliary services personnel 4798
unemployment compensation fund established pursuant to section 4799
4141.47 of the Revised Code. The department shall also adopt 4800
guidelines and procedures limiting the purchase and loan of the 4801
items described in division (K) of this section to items that 4802
are in general use in the public schools of the state, that are 4803
incapable of diversion to religious use, and that are 4804
susceptible to individual use rather than classroom use. Within 4805
thirty days after the end of each biennium, each board of 4806
education shall remit to the department all moneys paid to it 4807
under division (E) (1) of section 3317.024 of the Revised Code 4808
and any interest earned on those moneys that are not required to 4809
pay expenses incurred under this section during the biennium for 4810
which the money was appropriated and during which the interest 4811
was earned. If a board of education subsequently determines that 4812
the remittal of moneys leaves the board with insufficient money 4813
to pay all valid expenses incurred under this section during the 4814
biennium for which the remitted money was appropriated, the 4815
board may apply to the department of education for a refund of 4816
money, not to exceed the amount of the insufficiency. If the 4817
department determines the expenses were lawfully incurred and 4818
would have been lawful expenditures of the refunded money, it 4819
shall certify its determination and the amount of the refund to 4820
be made to the director of job and family services who shall 4821
make a refund as provided in section 4141.47 of the Revised 4822
Code. 4823

Each school district shall label materials, equipment, 4824
computer hardware or software, textbooks, and digital texts 4825
purchased or leased for loan to a nonpublic school under this 4826
section, acknowledging that they were purchased or leased with 4827
state funds under this section. However, a district need not 4828

label materials, equipment, computer hardware or software, 4829
textbooks, or digital texts that the district determines are 4830
consumable in nature or have a value of less than two hundred 4831
dollars. 4832

Sec. 3317.062. (A) Moneys paid to chartered and accredited 4833
nonpublic schools under division (E)(2) of section 3317.024 of 4834
the Revised Code shall be used for one or more of the following 4835
purposes: 4836

(1) To purchase secular textbooks or digital texts, as 4837
defined in divisions (A)(1) and (2) of section 3317.06 of the 4838
Revised Code, as have been approved by the superintendent of 4839
public instruction for use in public schools in the state; 4840

(2) To provide the services described in divisions (B), 4841
(C), (D), and (Q) of section 3317.06 of the Revised Code; 4842

(3) To provide the services described in divisions (E), 4843
(F), (G), and (I) of section 3317.06 of the Revised Code. If 4844
such services are provided in public schools or in public 4845
centers, transportation to and from such facilities shall be 4846
provided by the nonpublic school. 4847

(4) To supply for use by pupils attending the school such 4848
standardized tests and scoring services as are in use in the 4849
public schools of the state; 4850

(5) To hire clerical personnel to assist in the 4851
administration of divisions (A)(2), (3), and (4) of this section 4852
and to hire supervisory personnel to supervise the providing of 4853
services and textbooks pursuant to this section. These personnel 4854
shall perform their services in the public schools, in nonpublic 4855
schools, public centers, or mobile units where the services are 4856
provided to the nonpublic school pupil, except that such 4857

personnel may accompany pupils to and from the service sites 4858
when necessary to ensure the safety of the children receiving 4859
the services. All services provided pursuant to this section may 4860
be provided under contract with educational service centers, the 4861
department of health, city or general health districts, or 4862
private agencies whose personnel are properly licensed by an 4863
appropriate state board or agency. 4864

(6) To purchase any of the materials described in division 4865
(K) of section 3317.06 of the Revised Code; 4866

(7) To purchase any of the equipment described in division 4867
(L) of section 3317.06 of the Revised Code; 4868

(8) To purchase mobile units to be used for the provision 4869
of services pursuant to division (A) (3) of this section and to 4870
pay for necessary repairs and operating costs associated with 4871
these units; 4872

(9) To purchase the equipment described in division (O) of 4873
section 3317.06 of the Revised Code; 4874

(10) To procure and pay for security services described in 4875
division (P) of section 3317.06 of the Revised Code. 4876

(B) Materials, equipment, computer hardware and software, 4877
textbooks, digital texts, and health and remedial services 4878
provided pursuant to this section and the admission of pupils to 4879
nonpublic schools shall be provided without distinction as to 4880
race, creed, color, or national origin of such pupils or of 4881
their teachers. 4882

(C) The department of education shall adopt guidelines and 4883
procedures regarding both of the following: 4884

(1) The expenditure of moneys under this section; 4885

(2) The audit of nonpublic schools receiving funds under 4886
this section to ensure the appropriate use of funds. 4887

(D) As used in this section, "accredited nonpublic school" 4888
means a nonpublic school described in section 3301.165 of the 4889
Revised Code. 4890

Sec. 3317.063. The superintendent of public instruction, 4891
in accordance with rules adopted by the department of education, 4892
shall annually reimburse each chartered nonpublic school and 4893
each accredited nonpublic school as described in section 4894
3301.165 of the Revised Code for the actual mandated service 4895
administrative and clerical costs incurred by such school during 4896
the preceding school year in preparing, maintaining, and filing 4897
reports, forms, and records, and in providing such other 4898
administrative and clerical services that are not an integral 4899
part of the teaching process as may be required by state law or 4900
rule or by requirements duly promulgated by city, exempted 4901
village, or local school districts. The mandated service costs 4902
reimbursed pursuant to this section shall include, but are not 4903
limited to, the preparation, filing and maintenance of forms, 4904
reports, or records and other clerical and administrative 4905
services relating to state chartering or approval of the 4906
nonpublic school, pupil attendance, pupil health and health 4907
testing, transportation of pupils, federally funded education 4908
programs, pupil appraisal, pupil progress, educator licensure, 4909
unemployment and workers' compensation, transfer of pupils, and 4910
such other education related data which are now or hereafter 4911
shall be required of such nonpublic school by state law or rule, 4912
or by requirements of the state department of education, other 4913
state agencies, or city, exempted village, or local school 4914
districts. 4915

The reimbursement required by this section shall be for 4916
school years beginning on or after July 1, 1981. 4917

Each nonpublic school which seeks reimbursement pursuant 4918
to this section shall submit to the superintendent of public 4919
instruction an application together with such additional reports 4920
and documents as the department of education may require. Such 4921
application, reports, and documents shall contain such 4922
information as the department of education may prescribe in 4923
order to carry out the purposes of this section. No payment 4924
shall be made until the superintendent of public instruction has 4925
approved such application. 4926

Each nonpublic school which applies for reimbursement 4927
pursuant to this section shall maintain a separate account or 4928
system of accounts for the expenses incurred in rendering the 4929
required services for which reimbursement is sought. Such 4930
accounts shall contain such information as is required by the 4931
department of education and shall be maintained in accordance 4932
with rules adopted by the department of education. 4933

Reimbursement payments to a nonpublic school pursuant to 4934
this section shall not exceed an amount for each school year 4935
equal to three hundred sixty dollars per pupil enrolled in that 4936
nonpublic school. 4937

The superintendent of public instruction may, from time to 4938
time, examine any and all accounts and records of a nonpublic 4939
school which have been maintained pursuant to this section in 4940
support of an application for reimbursement, for the purpose of 4941
determining the costs to such school of rendering the services 4942
for which reimbursement is sought. If after such audit it is 4943
determined that any school has received funds in excess of the 4944
actual cost of providing such services, said school shall 4945

immediately reimburse the state in such excess amount. 4946

Any payments made to chartered or accredited nonpublic 4947
schools under this section may be disbursed without submission 4948
to and approval of the controlling board. 4949

Sec. 3317.13. (A) As used in this section and section 4950
3317.14 of the Revised Code: 4951

(1) "Years of service" includes the following: 4952

(a) All years of teaching service in the same school 4953
district or educational service center, regardless of training 4954
level, with each year consisting of at least one hundred twenty 4955
days under a teacher's contract; 4956

(b) All years of teaching service in a chartered ~~7~~ or an 4957
accredited nonpublic school located in Ohio as a teacher 4958
licensed pursuant to section 3319.22 of the Revised Code or in 4959
another public school, regardless of training level, with each 4960
year consisting of at least one hundred twenty days under a 4961
teacher's contract ~~7~~. For purposes of this division, "accredited 4962
nonpublic school" means a nonpublic school described in section 4963
3301.165 of the Revised Code. 4964

(c) All years of teaching service in a chartered school or 4965
institution or a school or institution that subsequently became 4966
chartered or a chartered special education program or a special 4967
education program that subsequently became chartered operated by 4968
the state or by a subdivision or other local governmental unit 4969
of this state as a teacher licensed pursuant to section 3319.22 4970
of the Revised Code, regardless of training level, with each 4971
year consisting of at least one hundred twenty days; and 4972

(d) All years of active military service in the armed 4973
forces of the United States, as defined in section 3307.75 of 4974

the Revised Code, to a maximum of five years. For purposes of 4975
this calculation, a partial year of active military service of 4976
eight continuous months or more in the armed forces shall be 4977
counted as a full year. 4978

(2) "Teacher" means all teachers employed by the board of 4979
education of any school district, including any cooperative 4980
education or joint vocational school district and all teachers 4981
employed by any educational service center governing board. 4982

(B) No teacher shall be paid a salary less than that 4983
provided in the schedule set forth in division (C) of this 4984
section. In calculating the minimum salary any teacher shall be 4985
paid pursuant to this section, years of service shall include 4986
the sum of all years of the teacher's teaching service included 4987
in divisions (A) (1) (a), (b), (c), and (d) of this section; 4988
except that any school district or educational service center 4989
employing a teacher new to the district or educational service 4990
center shall grant such teacher a total of not more than ten 4991
years of service pursuant to divisions (A) (1) (b), (c), and (d) 4992
of this section. 4993

Upon written complaint to the superintendent of public 4994
instruction that the board of education of a district or the 4995
governing board of an educational service center governing board 4996
has failed or refused to annually adopt a salary schedule or to 4997
pay salaries in accordance with the salary schedule set forth in 4998
division (C) of this section, the superintendent of public 4999
instruction shall cause to be made an immediate investigation of 5000
such complaint. If the superintendent finds that the conditions 5001
complained of exist, the superintendent shall order the board to 5002
correct such conditions within ten days from the date of the 5003
finding. No moneys shall be distributed to the district or 5004

educational service center under this chapter until the 5005
 superintendent has satisfactory evidence of the board of 5006
 education's full compliance with such order. 5007

Each teacher shall be fully credited with placement in the 5008
 appropriate academic training level column in the district's or 5009
 educational service center's salary schedule with years of 5010
 service properly credited pursuant to this section or section 5011
 3317.14 of the Revised Code. No rule shall be adopted or 5012
 exercised by any board of education or educational service 5013
 center governing board which restricts the placement or the 5014
 crediting of annual salary increments for any teacher according 5015
 to the appropriate academic training level column. 5016

(C) Minimum salaries exclusive of retirement and sick 5017
 leave for teachers shall be as follows: 5018

	Teachers		Teachers with		Teachers			
	Years with Less		Teachers with		Five Years of		with	
	of than a Bachelor's		Training, but		a Master's			
	Service Bachelor's Degree		no Master's Degree or					
	Degree		Degree		Higher			
	Per Dollar		Per Dollar		Per Dollar		Per	
	Dollar							
	Cent* Amount		Cent* Amount		Cent* Amount		Cent*	
	Amount							
0	86.5 \$17,300		100.0 \$20,000		103.8 \$20,760		109.5	
	\$21,900							
1	90.0 18,000		103.8 20,760		108.1 21,620		114.3	
	22,860							

2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	5032
								5033
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	5034
								5035
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	5036
								5037
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	5038
								5039
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	5040
								5041
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	5042
								5043
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	5044
								5045
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	5046
								5047
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	5048
								5049
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	5050
								5051

* Percentages represent the percentage which each salary is of the base amount. 5052
5053

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as 5054
5055
5056
5057
5058

requiring any school district or educational service center to 5059
adopt a schedule containing salaries in excess of the amounts 5060
set forth in this section for corresponding levels of training 5061
and experience. 5062

As used in this division: 5063

(1) "Base amount" means twenty thousand dollars. 5064

(2) "Five years of training" means at least one hundred 5065
fifty semester hours, or the equivalent, and a bachelor's degree 5066
from a recognized college or university. 5067

(D) For purposes of this section, all credited training 5068
shall be from a recognized college or university. 5069

Sec. 3319.311. (A) (1) The state board of education, or the 5070
superintendent of public instruction on behalf of the board, may 5071
investigate any information received about a person that 5072
reasonably appears to be a basis for action under section 5073
3319.31 of the Revised Code, including information received 5074
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 5075
3328.19, 5126.253, or 5153.176 of the Revised Code. Except as 5076
provided in division (A) (2) of this section, the board shall 5077
contract with the office of the Ohio attorney general to conduct 5078
any investigation of that nature. The board shall pay for the 5079
costs of the contract only from moneys in the state board of 5080
education licensure fund established under section 3319.51 of 5081
the Revised Code. Except as provided in division (A) (2) of this 5082
section, all information received pursuant to section 3314.40, 5083
3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of 5084
the Revised Code, and all information obtained during an 5085
investigation is confidential and is not a public record under 5086
section 149.43 of the Revised Code. If an investigation is 5087

conducted under this division regarding information received 5088
about a person and no action is taken against the person under 5089
this section or section 3319.31 of the Revised Code within two 5090
years of the completion of the investigation, all records of the 5091
investigation shall be expunged. 5092

(2) In the case of a person about whom the board has 5093
learned of a plea of guilty to, finding of guilt by a jury or 5094
court of, or a conviction of an offense listed in division (C) 5095
of section 3319.31 of the Revised Code, or substantially 5096
comparable conduct occurring in a jurisdiction outside this 5097
state, the board or the superintendent of public instruction 5098
need not conduct any further investigation and shall take the 5099
action required by division (C) or (F) of that section. Except 5100
as provided in division (G) of this section, all information 5101
obtained by the board or the superintendent of public 5102
instruction pertaining to the action is a public record under 5103
section 149.43 of the Revised Code. 5104

(B) The superintendent of public instruction shall review 5105
the results of each investigation of a person conducted under 5106
division (A)(1) of this section and shall determine, on behalf 5107
of the state board, whether the results warrant initiating 5108
action under division (B) of section 3319.31 of the Revised 5109
Code. The superintendent shall advise the board of such 5110
determination at a meeting of the board. Within fourteen days of 5111
the next meeting of the board, any member of the board may ask 5112
that the question of initiating action under section 3319.31 of 5113
the Revised Code be placed on the board's agenda for that next 5114
meeting. Prior to initiating that action against any person, the 5115
person's name and any other personally identifiable information 5116
shall remain confidential. 5117

(C) The board shall take no action against a person under 5118
division (B) of section 3319.31 of the Revised Code without 5119
providing the person with written notice of the charges and with 5120
an opportunity for a hearing in accordance with Chapter 119. of 5121
the Revised Code. 5122

(D) For purposes of an investigation under division (A) (1) 5123
of this section or a hearing under division (C) of this section 5124
or under division (E) (2) of section 3319.31 of the Revised Code, 5125
the board, or the superintendent on behalf of the board, may 5126
administer oaths, order the taking of depositions, issue 5127
subpoenas, and compel the attendance of witnesses and the 5128
production of books, accounts, papers, records, documents, and 5129
testimony. The issuance of subpoenas under this division may be 5130
by certified mail or personal delivery to the person. 5131

(E) The superintendent, on behalf of the board, may enter 5132
into a consent agreement with a person against whom action is 5133
being taken under division (B) of section 3319.31 of the Revised 5134
Code. The board may adopt rules governing the superintendent's 5135
action under this division. 5136

(F) No surrender of a license shall be effective until the 5137
board takes action to accept the surrender unless the surrender 5138
is pursuant to a consent agreement entered into under division 5139
(E) of this section. 5140

(G) The name of any person who is not required to report 5141
information under section 3314.40, 3319.313, 3326.24, 3328.19, 5142
5126.253, or 5153.176 of the Revised Code, but who in good faith 5143
provides information to the state board or superintendent of 5144
public instruction about alleged misconduct committed by a 5145
person who holds a license or has applied for issuance or 5146
renewal of a license, shall be confidential and shall not be 5147

released. Any such person shall be immune from any civil 5148
liability that otherwise might be incurred or imposed for 5149
injury, death, or loss to person or property as a result of the 5150
provision of that information. 5151

(H) (1) No person shall knowingly make a false report to 5152
the superintendent of public instruction or the state board of 5153
education alleging misconduct by an employee of a public ~~or~~ 5154
school, chartered nonpublic school, or accredited nonpublic 5155
school described in section 3301.165 of the Revised Code or an 5156
employee of the operator of a community school established under 5157
Chapter 3314. or a college-preparatory boarding school 5158
established under Chapter 3328. of the Revised Code. 5159

(2) (a) In any civil action brought against a person in 5160
which it is alleged and proved that the person violated division 5161
(H) (1) of this section, the court shall award the prevailing 5162
party reasonable attorney's fees and costs that the prevailing 5163
party incurred in the civil action or as a result of the false 5164
report that was the basis of the violation. 5165

(b) If a person is convicted of or pleads guilty to a 5166
violation of division (H) (1) of this section, if the subject of 5167
the false report that was the basis of the violation was charged 5168
with any violation of a law or ordinance as a result of the 5169
false report, and if the subject of the false report is found 5170
not to be guilty of the charges brought against the subject as a 5171
result of the false report or those charges are dismissed, the 5172
court that sentences the person for the violation of division 5173
(H) (1) of this section, as part of the sentence, shall order the 5174
person to pay restitution to the subject of the false report, in 5175
an amount equal to reasonable attorney's fees and costs that the 5176
subject of the false report incurred as a result of or in 5177

relation to the charges. 5178

Sec. 3319.313. (A) As used in this section: 5179

(1) "Conduct unbecoming to the teaching profession" shall 5180
be as described in rules adopted by the state board of 5181
education. 5182

(2) "Intervention in lieu of conviction" means 5183
intervention in lieu of conviction under section 2951.041 of the 5184
Revised Code. 5185

(3) "License" has the same meaning as in section 3319.31 5186
of the Revised Code. 5187

(4) "Pre-trial diversion program" means a pre-trial 5188
diversion program under section 2935.36 of the Revised Code or a 5189
similar diversion program under rules of a court. 5190

(5) "Accredited nonpublic school" means a nonpublic school 5191
operating under section 3301.165 of the Revised Code. 5192

(B) The superintendent of each school district and each 5193
educational service center or the president of the district or 5194
service center board, if division (C) (1) of this section 5195
applies, and the chief administrator of each chartered or 5196
accredited nonpublic school or the president or chairperson of 5197
the governing authority of the nonpublic school, if division (C) 5198
(2) of this section applies, shall promptly submit to the 5199
superintendent of public instruction the information prescribed 5200
in division (D) of this section when any of the following 5201
conditions applies to an employee of the district, service 5202
center, or nonpublic school who holds a license issued by the 5203
state board of education: 5204

(1) The superintendent, chief administrator, president, or 5205

chairperson knows that the employee has pleaded guilty to, has 5206
been found guilty by a jury or court of, has been convicted of, 5207
has been found to be eligible for intervention in lieu of 5208
conviction for, or has agreed to participate in a pre-trial 5209
diversion program for an offense described in division (B) (2) or 5210
(C) of section 3319.31 or division (B) (1) of section 3319.39 of 5211
the Revised Code; 5212

(2) The district board of education, service center 5213
governing board, or nonpublic school chief administrator or 5214
governing authority has initiated termination or nonrenewal 5215
proceedings against, has terminated, or has not renewed the 5216
contract of the employee because the board of education, 5217
governing board, or chief administrator has reasonably 5218
determined that the employee has committed an act that is 5219
unbecoming to the teaching profession or an offense described in 5220
division (B) (2) or (C) of section 3319.31 or division (B) (1) of 5221
section 3319.39 of the Revised Code; 5222

(3) The employee has resigned under threat of termination 5223
or nonrenewal as described in division (B) (2) of this section; 5224

(4) The employee has resigned because of or in the course 5225
of an investigation by the board of education, governing board, 5226
or chief administrator regarding whether the employee has 5227
committed an act that is unbecoming to the teaching profession 5228
or an offense described in division (B) (2) or (C) of section 5229
3319.31 or division (B) (1) of section 3319.39 of the Revised 5230
Code. 5231

(C) (1) If the employee to whom any of the conditions 5232
prescribed in divisions (B) (1) to (4) of this section applies is 5233
the superintendent or treasurer of a school district or 5234
educational service center, the president of the board of 5235

education of the school district or of the governing board of 5236
the educational service center shall make the report required 5237
under this section. 5238

(2) If the employee to whom any of the conditions 5239
prescribed in divisions (B)(1) to (4) of this section applies is 5240
the chief administrator of a chartered or an accredited 5241
nonpublic school, the president or chairperson of the governing 5242
authority of the chartered or accredited nonpublic school shall 5243
make the report required under this section. 5244

(D) If a report is required under this section, the 5245
superintendent, chief administrator, president, or chairperson 5246
shall submit to the superintendent of public instruction the 5247
name and social security number of the employee about whom the 5248
information is required and a factual statement regarding any of 5249
the conditions prescribed in divisions (B)(1) to (4) of this 5250
section that applies to the employee. 5251

(E) A determination made by the board of education, 5252
governing board, chief administrator, or governing authority as 5253
described in division (B)(2) of this section or a termination, 5254
nonrenewal, resignation, or other separation described in 5255
divisions (B)(2) to (4) of this section does not create a 5256
presumption of the commission or lack of the commission by the 5257
employee of an act unbecoming to the teaching profession or an 5258
offense described in division (B)(2) or (C) of section 3319.31 5259
or division (B)(1) of section 3319.39 of the Revised Code. 5260

(F) No individual required to submit a report under 5261
division (B) of this section shall knowingly fail to comply with 5262
that division. 5263

(G) An individual who provides information to the 5264

superintendent of public instruction in accordance with this 5265
section in good faith shall be immune from any civil liability 5266
that otherwise might be incurred or imposed for injury, death, 5267
or loss to person or property as a result of the provision of 5268
that information. 5269

Sec. 3319.314. The board of education of each school 5270
district, the governing board of each educational service 5271
center, ~~and~~ the chief administrator of each chartered nonpublic 5272
school, and the chief administrator of each accredited nonpublic 5273
school operating under section 3301.165 of the Revised Code 5274
shall require that the reports of any investigation by the 5275
district board of education, service center governing board, or 5276
nonpublic school chief administrator of an employee regarding 5277
whether the employee has committed an act or offense for which 5278
the district or service center superintendent or board president 5279
or nonpublic school chief administrator or governing authority 5280
president or chairperson is required to make a report to the 5281
superintendent of public instruction under section 3319.313 of 5282
the Revised Code be kept in the employee's personnel file. If, 5283
after an investigation under division (A) of section 3319.311 of 5284
the Revised Code, the superintendent of public instruction 5285
determines that the results of that investigation do not warrant 5286
initiating action under section 3319.31 of the Revised Code, the 5287
board of education, governing board, or chief administrator 5288
shall require the reports of the board's or chief 5289
administrator's investigation to be moved from the employee's 5290
personnel file to a separate public file. 5291

Sec. 3319.317. (A) As used in this section, "license" has 5292
the same meaning as in section 3319.31 of the Revised Code. 5293

(B) No employee of a school district or educational 5294

service center shall do either of the following: 5295

(1) Knowingly make a false report to the district or 5296
service center superintendent, or the superintendent's designee, 5297
alleging misconduct by another employee of the district or 5298
service center; 5299

(2) Knowingly cause the district or service center 5300
superintendent, or the superintendent's designee, to make a 5301
false report of the alleged misconduct to the superintendent of 5302
public instruction or the state board of education. 5303

(C) Any employee of a school district or educational 5304
service center who in good faith reports to the district or 5305
service center superintendent, or the superintendent's designee, 5306
information about alleged misconduct committed by another 5307
employee of the district or service center shall be immune from 5308
any civil liability that otherwise might be incurred or imposed 5309
for injury, death, or loss to person or property as a result of 5310
the reporting of that information. 5311

If the alleged misconduct involves a person who holds a 5312
license but the district or service center superintendent is not 5313
required to submit a report to the superintendent of public 5314
instruction under section 3319.313 of the Revised Code and the 5315
district or service center superintendent, or the 5316
superintendent's designee, in good faith reports the alleged 5317
misconduct to the superintendent of public instruction or the 5318
state board, the district or service center superintendent, or 5319
the superintendent's designee, shall be immune from any civil 5320
liability that otherwise might be incurred or imposed for 5321
injury, death, or loss to person or property as a result of the 5322
reporting of that information. 5323

(D) No employee of a chartered nonpublic school or 5324
accredited nonpublic school described in section 3301.165 of the 5325
Revised Code shall do either of the following: 5326

(1) Knowingly make a false report to the chief 5327
administrator of the school, or the chief administrator's 5328
designee, alleging misconduct by another employee of the school; 5329

(2) Knowingly cause the chief administrator, or the chief 5330
administrator's designee, to make a false report of the alleged 5331
misconduct to the superintendent of public instruction or the 5332
state board. 5333

(E) Any employee of a chartered nonpublic school or 5334
accredited nonpublic school who in good faith reports to the 5335
chief administrator of the school, or the chief administrator's 5336
designee, information about alleged misconduct committed by 5337
another employee of the school shall be immune from any civil 5338
liability that otherwise might be incurred or imposed for 5339
injury, death, or loss to person or property as a result of the 5340
reporting of that information. 5341

If the alleged misconduct involves a person who holds a 5342
license but the chief administrator is not required to submit a 5343
report to the superintendent of public instruction under section 5344
3319.313 of the Revised Code and the chief administrator, or the 5345
chief administrator's designee, in good faith reports the 5346
alleged misconduct to the superintendent of public instruction 5347
or the state board, the chief administrator, or the chief 5348
administrator's designee, shall be immune from any civil 5349
liability that otherwise might be incurred or imposed for 5350
injury, death, or loss to person or property as a result of the 5351
reporting of that information. 5352

(F) (1) In any civil action brought against a person in 5353
which it is alleged and proved that the person violated division 5354
(B) or (D) of this section, the court shall award the prevailing 5355
party reasonable attorney's fees and costs that the prevailing 5356
party incurred in the civil action or as a result of the false 5357
report that was the basis of the violation. 5358

(2) If a person is convicted of or pleads guilty to a 5359
violation of division (B) or (D) of this section, if the subject 5360
of the false report that was the basis of the violation was 5361
charged with any violation of a law or ordinance as a result of 5362
the false report, and if the subject of the false report is 5363
found not to be guilty of the charges brought against the 5364
subject as a result of the false report or those charges are 5365
dismissed, the court that sentences the person for the violation 5366
of division (B) or (D) of this section, as part of the sentence, 5367
shall order the person to pay restitution to the subject of the 5368
false report, in an amount equal to reasonable attorney's fees 5369
and costs that the subject of the false report incurred as a 5370
result of or in relation to the charges. 5371

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 5372
(b) of section 109.57 of the Revised Code, the appointing or 5373
hiring officer of the board of education of a school district, 5374
the governing board of an educational service center, or of a 5375
chartered or accredited nonpublic school shall request the 5376
superintendent of the bureau of criminal identification and 5377
investigation to conduct a criminal records check with respect 5378
to any applicant who has applied to the school district, 5379
educational service center, or school for employment in any 5380
position. The appointing or hiring officer shall request that 5381
the superintendent include information from the federal bureau 5382
of investigation in the criminal records check, unless all of 5383

the following apply to the applicant: 5384

(a) The applicant is applying to be an instructor of adult 5385
education. 5386

(b) The duties of the position for which the applicant is 5387
applying do not involve routine interaction with a child or 5388
regular responsibility for the care, custody, or control of a 5389
child or, if the duties do involve such interaction or 5390
responsibility, during any period of time in which the 5391
applicant, if hired, has such interaction or responsibility, 5392
another employee of the school district, educational service 5393
center, or chartered or accredited nonpublic school will be 5394
present in the same room with the child or, if outdoors, will be 5395
within a thirty-yard radius of the child or have visual contact 5396
with the child. 5397

(c) The applicant presents proof that the applicant has 5398
been a resident of this state for the five-year period 5399
immediately prior to the date upon which the criminal records 5400
check is requested or provides evidence that within that five- 5401
year period the superintendent has requested information about 5402
the applicant from the federal bureau of investigation in a 5403
criminal records check. 5404

(2) A person required by division (A)(1) of this section 5405
to request a criminal records check shall provide to each 5406
applicant a copy of the form prescribed pursuant to division (C) 5407
(1) of section 109.572 of the Revised Code, provide to each 5408
applicant a standard impression sheet to obtain fingerprint 5409
impressions prescribed pursuant to division (C)(2) of section 5410
109.572 of the Revised Code, obtain the completed form and 5411
impression sheet from each applicant, and forward the completed 5412
form and impression sheet to the superintendent of the bureau of 5413

criminal identification and investigation at the time the person 5414
requests a criminal records check pursuant to division (A) (1) of 5415
this section. 5416

(3) An applicant who receives pursuant to division (A) (2) 5417
of this section a copy of the form prescribed pursuant to 5418
division (C) (1) of section 109.572 of the Revised Code and a 5419
copy of an impression sheet prescribed pursuant to division (C) 5420
(2) of that section and who is requested to complete the form 5421
and provide a set of fingerprint impressions shall complete the 5422
form or provide all the information necessary to complete the 5423
form and shall provide the impression sheet with the impressions 5424
of the applicant's fingerprints. If an applicant, upon request, 5425
fails to provide the information necessary to complete the form 5426
or fails to provide impressions of the applicant's fingerprints, 5427
the board of education of a school district, governing board of 5428
an educational service center, or governing authority of a 5429
chartered nonpublic school shall not employ that applicant for 5430
any position. 5431

(4) Notwithstanding any provision of this section to the 5432
contrary, an applicant who meets the conditions prescribed in 5433
divisions (A) (1) (a) and (b) of this section and who, within the 5434
two-year period prior to the date of application, was the 5435
subject of a criminal records check under this section prior to 5436
being hired for short-term employment with the school district, 5437
educational service center, or chartered or accredited nonpublic 5438
school to which application is being made shall not be required 5439
to undergo a criminal records check prior to the applicant's 5440
rehiring by that district, service center, or school. 5441

(B) (1) Except as provided in rules adopted by the 5442
department of education in accordance with division (E) of this 5443

section and as provided in division (B) (3) of this section, no 5444
board of education of a school district, no governing board of 5445
an educational service center, and no governing authority of a 5446
chartered or accredited nonpublic school shall employ a person 5447
if the person previously has been convicted of or pleaded guilty 5448
to any of the following: 5449

(a) A violation of section 2903.01, 2903.02, 2903.03, 5450
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5451
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 5452
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 5453
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 5454
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 5455
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 5456
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 5457
section 2905.04 of the Revised Code as it existed prior to July 5458
1, 1996, a violation of section 2919.23 of the Revised Code that 5459
would have been a violation of section 2905.04 of the Revised 5460
Code as it existed prior to July 1, 1996, had the violation been 5461
committed prior to that date, a violation of section 2925.11 of 5462
the Revised Code that is not a minor drug possession offense, or 5463
felonious sexual penetration in violation of former section 5464
2907.12 of the Revised Code; 5465

(b) A violation of an existing or former law of this 5466
state, another state, or the United States that is substantially 5467
equivalent to any of the offenses or violations described in 5468
division (B) (1) (a) of this section. 5469

(2) A board, governing board of an educational service 5470
center, or a governing authority of a chartered or accredited 5471
nonpublic school may employ an applicant conditionally until the 5472
criminal records check required by this section is completed and 5473

the board or governing authority receives the results of the 5474
criminal records check. If the results of the criminal records 5475
check indicate that, pursuant to division (B) (1) of this 5476
section, the applicant does not qualify for employment, the 5477
board or governing authority shall release the applicant from 5478
employment. 5479

(3) No board and no governing authority of a chartered or 5480
accredited nonpublic school shall employ a teacher who 5481
previously has been convicted of or pleaded guilty to any of the 5482
offenses listed in section 3319.31 of the Revised Code. 5483

(C) (1) Each board and each governing authority of a 5484
chartered or accredited nonpublic school shall pay to the bureau 5485
of criminal identification and investigation the fee prescribed 5486
pursuant to division (C) (3) of section 109.572 of the Revised 5487
Code for each criminal records check conducted in accordance 5488
with that section upon the request pursuant to division (A) (1) 5489
of this section of the appointing or hiring officer of the board 5490
or governing authority. 5491

(2) A board and the governing authority of a chartered or 5492
accredited nonpublic school may charge an applicant a fee for 5493
the costs it incurs in obtaining a criminal records check under 5494
this section. A fee charged under this division shall not exceed 5495
the amount of fees the board or governing authority pays under 5496
division (C) (1) of this section. If a fee is charged under this 5497
division, the board or governing authority shall notify the 5498
applicant at the time of the applicant's initial application for 5499
employment of the amount of the fee and that, unless the fee is 5500
paid, the board or governing authority will not consider the 5501
applicant for employment. 5502

(D) The report of any criminal records check conducted by 5503

the bureau of criminal identification and investigation in 5504
accordance with section 109.572 of the Revised Code and pursuant 5505
to a request under division (A)(1) of this section is not a 5506
public record for the purposes of section 149.43 of the Revised 5507
Code and shall not be made available to any person other than 5508
the applicant who is the subject of the criminal records check 5509
or the applicant's representative, the board or governing 5510
authority requesting the criminal records check or its 5511
representative, and any court, hearing officer, or other 5512
necessary individual involved in a case dealing with the denial 5513
of employment to the applicant. 5514

(E) The department of education shall adopt rules pursuant 5515
to Chapter 119. of the Revised Code to implement this section, 5516
including rules specifying circumstances under which the board 5517
or governing authority may hire a person who has been convicted 5518
of an offense listed in division (B)(1) or (3) of this section 5519
but who meets standards in regard to rehabilitation set by the 5520
department. 5521

The department shall amend rule 3301-83-23 of the Ohio 5522
Administrative Code that took effect August 27, 2009, and that 5523
specifies the offenses that disqualify a person for employment 5524
as a school bus or school van driver and establishes 5525
rehabilitation standards for school bus and school van drivers. 5526

(F) Any person required by division (A)(1) of this section 5527
to request a criminal records check shall inform each person, at 5528
the time of the person's initial application for employment, of 5529
the requirement to provide a set of fingerprint impressions and 5530
that a criminal records check is required to be conducted and 5531
satisfactorily completed in accordance with section 109.572 of 5532
the Revised Code if the person comes under final consideration 5533

for appointment or employment as a precondition to employment 5534
for the school district, educational service center, or school 5535
for that position. 5536

(G) As used in this section: 5537

(1) "Accredited nonpublic school" has the same meaning as 5538
described in section 3301.165 of the Revised Code. 5539

(2) "Applicant" means a person who is under final 5540
consideration for appointment or employment in a position with a 5541
board of education, governing board of an educational service 5542
center, or a chartered nonpublic school, except that "applicant" 5543
does not include a person already employed by a board or 5544
chartered nonpublic school who is under consideration for a 5545
different position with such board or school. 5546

~~(2)~~ (3) "Teacher" means a person holding an educator 5547
license or permit issued under section 3319.22 or 3319.301 of 5548
the Revised Code and teachers in a chartered nonpublic school. 5549

~~(3)~~ (4) "Criminal records check" has the same meaning as 5550
in section 109.572 of the Revised Code. 5551

~~(4)~~ (5) "Minor drug possession offense" has the same 5552
meaning as in section 2925.01 of the Revised Code. 5553

(H) If the board of education of a local school district 5554
adopts a resolution requesting the assistance of the educational 5555
service center in which the local district has territory in 5556
conducting criminal records checks of substitute teachers and 5557
substitutes for other district employees under this section, the 5558
appointing or hiring officer of such educational service center 5559
shall serve for purposes of this section as the appointing or 5560
hiring officer of the local board in the case of hiring 5561
substitute teachers and other substitute employees for the local 5562

district. 5563

Sec. 3319.391. This section applies to any person hired by 5564
a school district, educational service center, or chartered 5565
nonpublic school, or accredited nonpublic school as described in 5566
section 3301.165 of the Revised Code in any position that does 5567
not require a "license" issued by the state board of education, 5568
as defined in section 3319.31 of the Revised Code, and is not 5569
for the operation of a vehicle for pupil transportation. 5570

(A) For each person to whom this section applies who is 5571
hired on or after November 14, 2007, the employer shall request 5572
a criminal records check in accordance with section 3319.39 of 5573
the Revised Code and shall request a subsequent criminal records 5574
check by the fifth day of September every fifth year thereafter. 5575
For each person to whom this division applies who is hired prior 5576
to November 14, 2007, the employer shall request a criminal 5577
records check by a date prescribed by the department of 5578
education and shall request a subsequent criminal records check 5579
by the fifth day of September every fifth year thereafter. 5580

(B) (1) Each request for a criminal records check under 5581
this section shall be made to the superintendent of the bureau 5582
of criminal identification and investigation in the manner 5583
prescribed in section 3319.39 of the Revised Code, except that 5584
if both of the following conditions apply to the person subject 5585
to the records check, the employer shall request the 5586
superintendent only to obtain any criminal records that the 5587
federal bureau of investigation has on the person: 5588

(a) The employer previously requested the superintendent 5589
to determine whether the bureau of criminal identification and 5590
investigation has any information, gathered pursuant to division 5591
(A) of section 109.57 of the Revised Code, on the person in 5592

conjunction with a criminal records check requested under 5593
section 3319.39 of the Revised Code or under this section. 5594

(b) The person presents proof that the person has been a 5595
resident of this state for the five-year period immediately 5596
prior to the date upon which the person becomes subject to a 5597
criminal records check under this section. 5598

(2) Upon receipt of a request under division (B) (1) of 5599
this section, the superintendent shall conduct the criminal 5600
records check in accordance with section 109.572 of the Revised 5601
Code as if the request had been made under section 3319.39 of 5602
the Revised Code. However, as specified in division (B) (2) of 5603
section 109.572 of the Revised Code, if the employer requests 5604
the superintendent only to obtain any criminal records that the 5605
federal bureau of investigation has on the person for whom the 5606
request is made, the superintendent shall not conduct the review 5607
prescribed by division (B) (1) of that section. 5608

(C) Any person who is the subject of a criminal records 5609
check under this section and has been convicted of or pleaded 5610
guilty to any offense described in division (B) (1) of section 5611
3319.39 of the Revised Code shall not be hired or shall be 5612
released from employment, as applicable, unless the person meets 5613
the rehabilitation standards adopted by the department under 5614
division (E) of that section. 5615

Sec. 3319.392. (A) As used in this section: 5616

(1) "Accredited nonpublic school" has the same meaning as 5617
in section 3301.165 of the Revised Code. 5618

(2) "Designated official" means the superintendent, or the 5619
superintendent's designee, in the case of a school district or 5620
educational service center and the chief administrator, or the 5621

chief administrator's designee, in the case of a chartered 5622
nonpublic school. 5623

~~(2)~~(3) "Essential school services" means services 5624
provided by a private company under contract with a school 5625
district, educational service center, or chartered nonpublic 5626
school that the district or service center superintendent or the 5627
chief administrator of the chartered nonpublic school has 5628
determined are necessary for the operation of the district, 5629
service center, or chartered nonpublic school and that would 5630
need to be provided by employees of the district, service 5631
center, or chartered nonpublic school if the services were not 5632
provided by the private company. 5633

~~(3)~~(4) "License" has the same meaning as in section 5634
3319.31 of the Revised Code. 5635

(B) This section applies to any person who is an employee 5636
of a private company under contract with a school district, 5637
educational service center, or chartered or accredited nonpublic 5638
school to provide essential school services and who will work in 5639
the district, service center, or chartered or accredited 5640
nonpublic school in a position that does not require a license 5641
issued by the state board of education, is not for the operation 5642
of a vehicle for pupil transportation, and that involves routine 5643
interaction with a child or regular responsibility for the care, 5644
custody, or control of a child. 5645

(C) No school district, educational service center, or 5646
chartered or accredited nonpublic school shall permit a person 5647
to whom this section applies to work in the district, service 5648
center, or chartered or accredited nonpublic school, unless one 5649
of the following applies to the person: 5650

(1) The person's employer presents proof of both of the 5651
following to the designated official: 5652

(a) That the person has been the subject of a criminal 5653
records check conducted in accordance with division (D) of this 5654
section within the five-year period immediately prior to the 5655
date on which the person will begin working in the district, 5656
service center, or chartered or accredited nonpublic school; 5657

(b) That the criminal records check indicates that the 5658
person has not been convicted of or pleaded guilty to any 5659
offense described in division (B)(1) of section 3319.39 of the 5660
Revised Code. 5661

(2) During any period of time in which the person will 5662
have routine interaction with a child or regular responsibility 5663
for the care, custody, or control of a child, the designated 5664
official has arranged for an employee of the district, service 5665
center, or chartered or accredited nonpublic school to be 5666
present in the same room with the child or, if outdoors, to be 5667
within a thirty-yard radius of the child or to have visual 5668
contact with the child. 5669

(D) Any private company that has been hired or seeks to be 5670
hired by a school district, educational service center, or 5671
chartered or accredited nonpublic school to provide essential 5672
school services may request the bureau of criminal 5673
identification and investigation to conduct a criminal records 5674
check of any of its employees for the purpose of complying with 5675
division (C)(1) of this section. Each request for a criminal 5676
records check under this division shall be made to the 5677
superintendent of the bureau in the manner prescribed in section 5678
3319.39 of the Revised Code. Upon receipt of a request, the 5679
bureau shall conduct the criminal records check in accordance 5680

with section 109.572 of the Revised Code as if the request had 5681
been made under section 3319.39 of the Revised Code. 5682

Notwithstanding division (H) of section 109.57 of the 5683
Revised Code, the private company may share the results of any 5684
criminal records check conducted under this division with the 5685
designated official for the purpose of complying with division 5686
(C) (1) of this section, but in no case shall the designated 5687
official release that information to any other person. 5688

Sec. 3319.40. (A) As used in this section, ~~"license"~~; 5689

(1) "Accredited nonpublic school" has the same meaning as 5690
in section 3301.165 of the Revised Code. 5691

(2) "License" has the same meaning as in section 3319.31 5692
of the Revised Code. 5693

(B) If a person who is employed by a school district or 5694
chartered or accredited nonpublic school is arrested, summoned, 5695
or indicted for an alleged violation of an offense listed in 5696
division (C) of section 3319.31 of the Revised Code, if the 5697
person holds a license, or an offense listed in division (B) (1) 5698
of section 3319.39 of the Revised Code, if the person does not 5699
hold a license, the superintendent of the district or the chief 5700
administrative officer of the chartered or accredited nonpublic 5701
school shall suspend that person from all duties that require 5702
the care, custody, or control of a child during the pendency of 5703
the criminal action against the person. If the person who is 5704
arrested, summoned, or indicted for an alleged violation of an 5705
offense listed in division (C) of section 3319.31 or division 5706
(B) (1) of section 3319.39 of the Revised Code is a person whose 5707
duties are assigned by the district treasurer under division (B) 5708
of section 3313.31 of the Revised Code, the treasurer shall 5709

suspend the person from all duties that require the care, 5710
custody, or control of a child. If the person who is arrested, 5711
summoned, or indicted for an alleged violation of an offense 5712
listed in division (C) of section 3319.31 or division (B) (1) of 5713
section 3319.39 of the Revised Code is the superintendent or 5714
treasurer of the district, the district board shall suspend the 5715
superintendent or treasurer from all duties that require the 5716
care, custody, or control of a child. If the person who is 5717
arrested, summoned, or indicted for an alleged violation of an 5718
offense listed in division (C) of section 3319.31 or division 5719
(B) (1) of section 3319.39 of the Revised Code is the chief 5720
administrative officer of the chartered or accredited nonpublic 5721
school, the governing authority of the chartered or accredited 5722
nonpublic school shall suspend the chief administrative officer 5723
from all duties that require the care, custody, or control of a 5724
child. 5725

(C) When a person who holds a license is suspended in 5726
accordance with this section, the superintendent, treasurer, 5727
board of education, chief administrative officer, or governing 5728
authority that imposed the suspension promptly shall report the 5729
person's suspension to the department of education. The report 5730
shall include the offense for which the person was arrested, 5731
summoned, or indicted. 5732

Sec. 3319.52. (A) As used in this section: 5733

(1) "Accredited nonpublic school" has the same meaning as 5734
in section 3301.165 of the Revised Code. 5735

(2) "Intervention in lieu of conviction" means 5736
intervention in lieu of conviction under section 2951.041 of the 5737
Revised Code. 5738

~~(2)~~(3) "License" has the same meaning as in section 5739
3319.31 of the Revised Code. 5740

~~(3)~~(4) "Pre-trial diversion program" means a pre-trial 5741
diversion program under section 2935.36 of the Revised Code or a 5742
similar diversion program under rules of a court. 5743

~~(4)~~(5) "Prosecutor" has the same meaning as in section 5744
2935.01 of the Revised Code. 5745

(B) If there is any judicial finding of guilt or any 5746
conviction or a judicial finding of eligibility for intervention 5747
in lieu of conviction against a license holder, or if a license 5748
holder agrees to participate in a pre-trial diversion program, 5749
for any of the offenses listed in division (B) (2) or (C) of 5750
section 3319.31 of the Revised Code, the prosecutor in the case, 5751
on forms that the state board of education shall prescribe and 5752
furnish, promptly shall notify the board and, if known, any 5753
school district or chartered or accredited nonpublic school 5754
employing the license holder of the license holder's name and 5755
residence address, and the fact that the license holder pleaded 5756
guilty to, was convicted of, has been found eligible for 5757
intervention in lieu of conviction for, or has agreed to a 5758
diversion program for the offense. 5759

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 5760
"guardian," or "other person having charge or care of a child" 5761
means either parent unless the parents are separated or divorced 5762
or their marriage has been dissolved or annulled, in which case 5763
"parent" means the parent who is the residential parent and 5764
legal custodian of the child. If the child is in the legal or 5765
permanent custody of a person or government agency, "parent" 5766
means that person or government agency. When a child is a 5767
resident of a home, as defined in section 3313.64 of the Revised 5768

Code, and the child's parent is not a resident of this state, 5769
"parent," "guardian," or "other person having charge or care of 5770
a child" means the head of the home. 5771

A child between six and eighteen years of age is "of 5772
compulsory school age" for the purpose of sections 3321.01 to 5773
3321.13 of the Revised Code. A child under six years of age who 5774
has been enrolled in kindergarten also shall be considered "of 5775
compulsory school age" for the purpose of sections 3321.01 to 5776
3321.13 of the Revised Code unless at any time the child's 5777
parent or guardian, at the parent's or guardian's discretion and 5778
in consultation with the child's teacher and principal, formally 5779
withdraws the child from kindergarten. The compulsory school age 5780
of a child shall not commence until the beginning of the term of 5781
such schools, or other time in the school year fixed by the 5782
rules of the board of the district in which the child resides. 5783

(2) In a district in which all children are admitted to 5784
kindergarten and the first grade in August or September, a child 5785
shall be admitted if the child is five or six years of age, 5786
respectively, by the thirtieth day of September of the year of 5787
admittance, or by the first day of a term or semester other than 5788
one beginning in August or September in school districts 5789
granting admittance at the beginning of such term or semester. A 5790
child who does not meet the age requirements of this section for 5791
admittance to kindergarten or first grade, but who will be five 5792
or six years old, respective, prior to the first day of January 5793
of the school year in which admission is requested, shall be 5794
evaluated for early admittance in accordance with district 5795
policy upon referral by the child's parent or guardian, an 5796
educator employed by the district, a preschool educator who 5797
knows the child, or a pediatrician or psychologist who knows the 5798
child. Following an evaluation in accordance with a referral 5799

under this section, the district board shall decide whether to 5800
admit the child. If a child for whom admission to kindergarten 5801
or first grade is requested will not be five or six years of 5802
age, respectively, prior to the first day of January of the 5803
school year in which admission is requested, the child shall be 5804
admitted only in accordance with the district's acceleration 5805
policy adopted under section 3324.10 of the Revised Code. 5806

(3) Notwithstanding division (A) (2) of this section, 5807
beginning with the school year that starts in 2001 and 5808
continuing thereafter the board of education of any district may 5809
adopt a resolution establishing the first day of August in lieu 5810
of the thirtieth day of September as the required date by which 5811
students must have attained the age specified in that division. 5812

(4) After a student has been admitted to kindergarten in a 5813
school district or chartered or accredited nonpublic school, no 5814
board of education of a school district to which the student 5815
transfers shall deny that student admission based on the 5816
student's age. As used in this section, "accredited nonpublic 5817
school" has the same meaning as in section 3301.165 of the 5818
Revised Code. 5819

(B) As used in division (C) of this section, "successfully 5820
completed kindergarten" means that the child has completed the 5821
kindergarten requirements at one of the following: 5822

(1) A public or chartered or accredited nonpublic school; 5823

(2) A kindergarten class that is both of the following: 5824

(a) Offered by a day-care provider licensed under Chapter 5825
5104. of the Revised Code; 5826

(b) If offered after July 1, 1991, is directly taught by a 5827
teacher who holds one of the following: 5828

(i) A valid educator license issued under section 3319.22 of the Revised Code; 5829
5830

(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale; 5831
5832
5833

(iii) Certification determined under division (F) of this section to be equivalent to that described in division (B) (2) (b) (ii) of this section; 5834
5835
5836

(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code. 5837
5838

(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. 5839
5840
5841

(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. 5842
5843
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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. 5846
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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. 5850
5851
5852

(F) Upon written request of a day-care provider described by division (B) (2) (a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of 5853
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division (B) (2) (b) (iii) of this section and, if so, shall 5857
furnish the provider a statement to that effect. 5858

(G) As used in this division, "all-day kindergarten" has 5859
the same meaning as in section 3321.05 of the Revised Code. 5860

(1) A school district that is offering all-day 5861
kindergarten for the first time or that charged fees or tuition 5862
for all-day kindergarten in the 2012-2013 school year may charge 5863
fees or tuition for a student enrolled in all-day kindergarten 5864
in any school year following the 2012-2013 school year. The 5865
department shall adjust the district's average daily membership 5866
certification under section 3317.03 of the Revised Code by one- 5867
half of the full-time equivalency for each student charged fees 5868
or tuition for all-day kindergarten under this division. If a 5869
district charges fees or tuition for all-day kindergarten under 5870
this division, the district shall develop a sliding fee scale 5871
based on family incomes. 5872

(2) The department of education shall conduct an annual 5873
survey of each school district described in division (G) (1) of 5874
this section to determine the following: 5875

(a) Whether the district charges fees or tuition for 5876
students enrolled in all-day kindergarten; 5877

(b) The amount of the fees or tuition charged; 5878

(c) How many of the students for whom tuition is charged 5879
are eligible for free lunches under the "National School Lunch 5880
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 5881
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 5882
amended, and how many of the students for whom tuition is 5883
charged are eligible for reduced price lunches under those acts; 5884

(d) How many students are enrolled in traditional half-day 5885

kindergarten rather than all-day kindergarten. 5886

Each district shall report to the department, in the 5887
manner prescribed by the department, the information described 5888
in divisions (G)(2)(a) to (d) of this section. 5889

The department shall issue an annual report on the results 5890
of the survey and shall post the report on its web site. The 5891
department shall issue the first report not later than April 30, 5892
2008, and shall issue a report not later than the thirtieth day 5893
of April each year thereafter. 5894

Sec. 3326.01. (A) As used in this chapter: 5895

(1) "Accredited nonpublic school" has the same meaning as 5896
in section 3301.165 of the Revised Code. 5897

(2) "Community school" means a community school 5898
established under Chapter 3314. of the Revised Code. 5899

(3) "STEM" is an abbreviation of "science, technology, 5900
engineering, and mathematics." 5901

~~(2)~~-(4) "STEAM" is an abbreviation of "science, 5902
technology, engineering, arts, and mathematics." 5903

(B)(1) A science, technology, engineering, arts, and 5904
mathematics school shall be considered a type of science, 5905
technology, engineering, and mathematics school. 5906

(2) A STEAM school equivalent shall be considered to be a 5907
type of STEM school equivalent. 5908

(3) A STEAM program of excellence shall be considered to 5909
be a type of STEM program of excellence. 5910

(C)(1) Any reference to a STEM school or science, 5911
technology, engineering, and mathematics school in the Revised 5912

Code shall be considered to include a STEAM school, unless the 5913
context specifically indicates a different meaning or intent. 5914
All provisions of the Revised Code applicable to a STEM school 5915
shall apply to a STEAM school in the same manner, except as 5916
otherwise provided in this chapter. 5917

(2) Any reference to a STEM school equivalent in the 5918
Revised Code shall be considered to include a STEAM school 5919
equivalent, unless the context specifically indicates a 5920
different meaning or intent. All provisions of the Revised Code 5921
applicable to a STEM school equivalent shall apply to a STEAM 5922
school equivalent in the same manner, except as otherwise 5923
provided in this chapter. 5924

(3) Any reference to a STEM program of excellence in the 5925
Revised Code shall be considered to include a STEAM program of 5926
excellence, unless the context specifically indicates a 5927
different meaning or intent. All provisions of the Revised Code 5928
applicable to a STEM program of excellence shall apply to a 5929
STEAM program of excellence in the same manner, except as 5930
otherwise provided in this chapter. 5931

Sec. 3326.03. (A) The STEM committee shall authorize the 5932
establishment of and award grants to science, technology, 5933
engineering, and mathematics schools based on proposals 5934
submitted to the committee. 5935

The committee shall determine the criteria for proposals, 5936
establish procedures for the submission of proposals, accept and 5937
evaluate proposals, and choose which proposals to approve to 5938
become a STEM school. In approving proposals for STEM schools, 5939
the committee shall consider locating the schools in diverse 5940
geographic regions of the state so that all students have access 5941
to a STEM school. 5942

The committee shall seek technical assistance from the 5943
Ohio STEM learning network, or its successor, throughout the 5944
process of accepting and evaluating proposals and choosing which 5945
proposals to approve. In approving proposals for STEM schools, 5946
the committee shall consider the recommendations of the Ohio 5947
STEM learning network, or its successor. 5948

The committee may authorize the establishment of a group 5949
of multiple STEM schools to operate from multiple facilities 5950
located in one or more school districts under the direction of a 5951
single governing body in the manner prescribed by section 5952
3326.031 of the Revised Code. The committee shall consider the 5953
merits of each of the proposed STEM schools within a group and 5954
shall authorize each school separately. Anytime after 5955
authorizing a group of STEM schools to be under the direction of 5956
a single governing body, upon a proposal from the governing 5957
body, the committee may authorize one or more additional schools 5958
to operate as part of that group. 5959

The STEM committee may approve one or more STEM schools to 5960
serve only students identified as gifted under Chapter 3324. of 5961
the Revised Code. 5962

(B) Proposals may be submitted only by a partnership of 5963
public and private entities consisting of at least all of the 5964
following: 5965

(1) A city, exempted village, local, or joint vocational 5966
school district or an educational service center; 5967

(2) Higher education entities; 5968

(3) Business organizations. 5969

~~A community school established under Chapter 3314. of the~~ 5970
~~Revised Code, a chartered nonpublic school, an accredited~~ 5971

nonpublic school, or both any combination of such schools may be 5972
part of the partnership. 5973

(C) Each proposal shall include at least the following: 5974

(1) Assurances that the STEM school or group of STEM 5975
schools will be under the oversight of a governing body and a 5976
description of the members of that governing body and how they 5977
will be selected; 5978

(2) Assurances that each STEM school will operate in 5979
compliance with this chapter and the provisions of the proposal 5980
as accepted by the committee; 5981

(3) Evidence that each school will offer a rigorous, 5982
diverse, integrated, and project-based curriculum to students in 5983
any of grades kindergarten through twelve, with the goal to 5984
prepare those students for college, the workforce, and 5985
citizenship, and that does all of the following: 5986

(a) Emphasizes the role of science, technology, 5987
engineering, and mathematics in promoting innovation and 5988
economic progress; 5989

(b) Incorporates scientific inquiry and technological 5990
design; 5991

(c) Includes the arts and humanities. If the proposal is 5992
for a STEAM school, it also shall include evidence that the 5993
curriculum will integrate arts and design into the study of 5994
science, technology, engineering, and mathematics to foster 5995
creative thinking, problem-solving, and new approaches to 5996
scientific invention. 5997

(d) Emphasizes personalized learning and teamwork skills. 5998

(4) Evidence that each school will attract school leaders 5999

who support the curriculum principles of division (C) (3) of this section; 6000
6001

(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code; 6002
6003
6004

(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor; 6005
6006
6007
6008

(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations. 6009
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(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 6014
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(9) A description of how each school's assets will be distributed if the school closes for any reason. 6020
6021

(D) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions (C) (3) (c), (C) (7), and (C) (8) of this section and submit the revised proposal to the STEM committee for approval. 6022
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Sec. 3326.032. (A) The STEM committee may grant a designation of STEM school equivalent to a community school 6027
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~~established under Chapter 3314. of the Revised Code,~~ or to a 6029
chartered or accredited nonpublic school. In order to be 6030
eligible for this designation, a community school or chartered 6031
or accredited nonpublic school shall submit a proposal that 6032
satisfies the requirements of this section. 6033

The committee shall determine the criteria for proposals, 6034
establish procedures for the submission of proposals, accept and 6035
evaluate proposals, and choose which proposals warrant a 6036
community school or chartered or accredited nonpublic school to 6037
be designated as a STEM school equivalent. 6038

(B) A proposal for designation as a STEM school equivalent 6039
shall include at least the following: 6040

(1) Assurances that the community school or chartered or 6041
accredited nonpublic school submitting the proposal has a 6042
working partnership with both public and private entities, 6043
including higher education entities and business organizations. 6044
If the proposal is for a STEAM school equivalent, it also shall 6045
include evidence that this partnership includes arts 6046
organizations. 6047

(2) Assurances that the school submitting the proposal 6048
will operate in compliance with this section and the provisions 6049
of the proposal as accepted by the committee; 6050

(3) Evidence that the school submitting the proposal will 6051
offer a rigorous, diverse, integrated, and project-based 6052
curriculum to students in any of grades kindergarten through 6053
twelve, with the goal to prepare those students for college, the 6054
workforce, and citizenship, and that does all of the following: 6055

(a) Emphasizes the role of science, technology, 6056
engineering, and mathematics in promoting innovation and 6057

economic progress; 6058

(b) Incorporates scientific inquiry and technological 6059
design; 6060

(c) Includes the arts and humanities. If the proposal is 6061
for a STEAM school equivalent, it also shall include evidence 6062
that the curriculum will integrate arts and design into the 6063
study of science, technology, engineering, and mathematics to 6064
foster creative thinking, problem-solving, and new approaches to 6065
scientific invention. 6066

(d) Emphasizes personalized learning and teamwork skills. 6067

(4) Evidence that the school submitting the proposal will 6068
attract school leaders who support the curriculum principles of 6069
division (B) (3) of this section; 6070

(5) A description of how each school's curriculum will be 6071
developed and approved in accordance with section 3326.09 of the 6072
Revised Code; 6073

(6) Evidence that the school submitting the proposal will 6074
utilize an established capacity to capture and share knowledge 6075
for best practices and innovative professional development; 6076

(7) Assurances that the school submitting the proposal has 6077
received commitments of sustained and verifiable fiscal and in- 6078
kind support from regional education and business entities. If 6079
the proposal is for a STEAM school equivalent, it also shall 6080
include assurances that the school has received commitments of 6081
sustained and verifiable fiscal and in-kind support from arts 6082
organizations. 6083

(C) (1) A community school or chartered or accredited 6084
nonpublic school that is designated as a STEM school equivalent 6085

under this section shall not be subject to the requirements of 6086
Chapter 3326. of the Revised Code, except that the school shall 6087
be subject to the requirements of this section and to the 6088
curriculum requirements of section 3326.09 of the Revised Code. 6089

Nothing in this section, however, shall relieve a 6090
community school of the applicable requirements of Chapter 3314. 6091
of the Revised Code. Nor shall anything in this section relieve 6092
a chartered or accredited nonpublic school of any provisions of 6093
law outside of this chapter that are applicable to charteredor 6094
accredited nonpublic schools. 6095

(2) A community school or chartered or accredited 6096
nonpublic school that is designated as a STEM school equivalent 6097
under this section shall not be eligible for operating funding 6098
under sections 3326.31 to 3326.37, 3326.39 to 3326.40, and 6099
3326.51 of the Revised Code. 6100

(3) A community school or chartered or accredited 6101
nonpublic school that is designated as a STEM school equivalent 6102
under this section may apply for any of the grants and 6103
additional funds described in section 3326.38 of the Revised 6104
Code for which the school is eligible. 6105

(D) If a community school or chartered or accredited 6106
nonpublic school that is designated as a STEM school equivalent 6107
under this section intends to close or intends to no longer be 6108
designated as a STEM school equivalent, it shall notify the STEM 6109
committee of that fact. 6110

(E) If a community school or chartered or accredited 6111
nonpublic school that is designated as a STEM school equivalent 6112
wishes to be designated as a STEAM school equivalent, it may 6113
change its existing proposal to include the items required under 6114

divisions (B) (1), (B) (3) (c), and (B) (7) of this section and 6115
submit the revised proposal to the STEM committee for approval. 6116

Sec. 3326.04. (A) The STEM committee shall award grants to 6117
support the operation of STEM programs of excellence to serve 6118
students in any of grades kindergarten through twelve through a 6119
request for proposals. 6120

(B) Proposals may be submitted by any of the following: 6121

(1) The board of education of a city, exempted village, or 6122
local school district; 6123

(2) The governing authority of a community school 6124
established under Chapter 3314. of the Revised Code; 6125

(3) The governing authority of a chartered or accredited 6126
nonpublic school. 6127

(C) Each proposal shall demonstrate to the satisfaction of 6128
the STEM committee that the program meets at least the following 6129
standards: 6130

(1) Unless the program is designed to serve only students 6131
identified as gifted under Chapter 3324. of the Revised Code, 6132
the program will serve all students enrolled in the district or 6133
school in the grades for which the program is designed. 6134

(2) The program will offer a rigorous and diverse 6135
curriculum that is based on scientific inquiry and technological 6136
design, that emphasizes personalized learning and teamwork 6137
skills, and that will expose students to advanced scientific 6138
concepts within and outside the classroom. If the proposal is 6139
for a STEAM program of excellence, it also shall include 6140
evidence that the curriculum will integrate arts and design into 6141
the curriculum to foster creative thinking, problem-solving, and 6142

new approaches to scientific invention. 6143

(3) Unless the program is designed to serve only students 6144
identified as gifted under Chapter 3324. of the Revised Code, 6145
the program will not limit participation of students on the 6146
basis of intellectual ability, measures of achievement, or 6147
aptitude. 6148

(4) The program will utilize an established capacity to 6149
capture and share knowledge for best practices and innovative 6150
professional development. 6151

(5) The program will operate in collaboration with a 6152
partnership that includes institutions of higher education and 6153
businesses. If the proposal is for a STEAM program of 6154
excellence, it also shall include evidence that this partnership 6155
includes arts organizations. 6156

(6) The program will include teacher professional 6157
development strategies that are augmented by community and 6158
business partners. 6159

(D) The STEM committee shall give priority to proposals 6160
for new or expanding innovative programs. 6161

(E) If a STEM program of excellence wishes to become a 6162
STEAM program of excellence, it may change its existing proposal 6163
to include the items required under divisions (C) (2) and (C) (5) 6164
of this section and submit the revised proposal to the STEM 6165
committee for approval. 6166

Sec. 3326.09. Subject to approval by its governing body or 6167
governing authority, the curriculum of each science, technology, 6168
engineering, and mathematics school and of each community school 6169
or chartered or accredited nonpublic school that is designated 6170
as a STEM school equivalent under section 3326.032 of the 6171

Revised Code shall be developed by a team that consists of at 6172
least the school's chief administrative officer, a teacher, a 6173
representative of the higher education institution that is a 6174
collaborating partner in the STEM school or school designated as 6175
a STEM school equivalent, and a member of the public with 6176
expertise in the application of science, technology, 6177
engineering, or mathematics. In the case of a STEAM school or a 6178
STEAM school equivalent, the team also shall include an expert 6179
in the integration of arts and design into the STEM fields. 6180

Sec. 3327.07. (A) The governing authority of a chartered 6181
or an accredited nonpublic school, as described in section 6182
3301.165 of the Revised Code, that transports a student enrolled 6183
in the school to and from school may charge the parent or 6184
guardian of the student a fee for the transportation, if the 6185
governing authority purchased the vehicle that transports the 6186
student using no state or federal funds. The fee shall not 6187
exceed the per student cost of the transportation, as determined 6188
by the governing authority. 6189

(B) The parent or guardian of a student who is enrolled in 6190
a chartered or accredited nonpublic school and is eligible for 6191
transportation by a school district under section 3327.01 of the 6192
Revised Code may decline that transportation and accept 6193
transportation from the chartered or accredited nonpublic 6194
school. The governing authority of a chartered or accredited 6195
nonpublic school may charge a fee under division (A) of this 6196
section regardless of whether a student is eligible for 6197
transportation under section 3327.01 of the Revised Code. 6198

(C) The offering by the governing authority of a chartered 6199
or accredited nonpublic school of transportation to and from the 6200
school does not relieve any school district board of education 6201

from any duty imposed by sections 3327.01 and 3327.02 of the Revised Code with respect to the chartered or accredited nonpublic school's students.

Sec. 3327.10. (A) 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 of good moral character 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 of education of each driver to ascertain the driver's physical fitness for such employment. 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.

(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, is of good moral character, and is qualified 6233
physically and otherwise for such position. Each driver shall 6234
have an annual physical examination which conforms to the state 6235
highway patrol rules, ascertaining the driver's physical fitness 6236
for such employment. The examination shall be performed by one 6237
of the following: 6238

(1) A person licensed under Chapter 4731. of the Revised 6239
Code or by another state to practice medicine and surgery or 6240
osteopathic medicine and surgery; 6241

(2) A physician assistant; 6242

(3) A certified nurse practitioner; 6243

(4) A clinical nurse specialist; 6244

(5) A certified nurse-midwife. 6245

Any written documentation of the physical examination 6246
shall be completed by the individual who performed the 6247
examination. 6248

Any certificate may be revoked by the authority granting 6249
the same on proof that the holder has been guilty of failing to 6250
comply with division (D) (2) of this section. 6251

(C) Any person who drives a school bus or motor van must 6252
give satisfactory and sufficient bond except a driver who is an 6253
employee of a school district and who drives a bus or motor van 6254
owned by the school district. 6255

(D) No person employed as driver of a school bus or motor 6256
van under this section who is convicted of a traffic violation 6257
or who has had the person's commercial driver's license 6258
suspended shall drive a school bus or motor van until the person 6259
has filed a written notice of the conviction or suspension, as 6260

follows: 6261

(1) If the person is employed under division (A) of this 6262
section, the person shall file the notice with the 6263
superintendent, or a person designated by the superintendent, of 6264
the school district for which the person drives a school bus or 6265
motor van as an employee or drives a privately owned and 6266
operated school bus or motor van under contract. 6267

(2) If employed under division (B) of this section, the 6268
person shall file the notice with the employing school 6269
administrator or contractor, or a person designated by the 6270
administrator or contractor. 6271

(E) In addition to resulting in possible revocation of a 6272
certificate as authorized by divisions (A) and (B) of this 6273
section, violation of division (D) of this section is a minor 6274
misdemeanor. 6275

(F) (1) Not later than thirty days after June 30, 2007, 6276
each owner of a school bus or motor van shall obtain the 6277
complete driving record for each person who is currently 6278
employed or otherwise authorized to drive the school bus or 6279
motor van. An owner of a school bus or motor van shall not 6280
permit a person to operate the school bus or motor van for the 6281
first time before the owner has obtained the person's complete 6282
driving record. Thereafter, the owner of a school bus or motor 6283
van shall obtain the person's driving record not less frequently 6284
than semiannually if the person remains employed or otherwise 6285
authorized to drive the school bus or motor van. An owner of a 6286
school bus or motor van shall not permit a person to resume 6287
operating a school bus or motor van, after an interruption of 6288
one year or longer, before the owner has obtained the person's 6289
complete driving record. 6290

(2) The owner of a school bus or motor van shall not 6291
permit a person to operate the school bus or motor van for ten 6292
years after the date on which the person pleads guilty to or is 6293
convicted of a violation of section 4511.19 of the Revised Code 6294
or a substantially equivalent municipal ordinance. 6295

(3) An owner of a school bus or motor van shall not permit 6296
any person to operate such a vehicle unless the person meets all 6297
other requirements contained in rules adopted by the state board 6298
of education prescribing qualifications of drivers of school 6299
buses and other student transportation. 6300

(G) No superintendent of a school district, educational 6301
service center, community school, or public or private employer 6302
shall permit the operation of a vehicle used for pupil 6303
transportation within this state by an individual unless both of 6304
the following apply: 6305

(1) Information pertaining to that driver has been 6306
submitted to the department of education, pursuant to procedures 6307
adopted by that department. Information to be reported shall 6308
include the name of the employer or school district, name of the 6309
driver, driver license number, date of birth, date of hire, 6310
status of physical evaluation, and status of training. 6311

(2) The most recent criminal records check required by 6312
division (J) of this section has been completed and received by 6313
the superintendent or public or private employer. 6314

(H) A person, school district, educational service center, 6315
community school, nonpublic school, or other public or nonpublic 6316
entity that owns a school bus or motor van, or that contracts 6317
with another entity to operate a school bus or motor van, may 6318
impose more stringent restrictions on drivers than those 6319

prescribed in this section, in any other section of the Revised Code, and in rules adopted by the state board. 6320
6321

(I) For qualified drivers who, on July 1, 2007, are 6322
employed by the owner of a school bus or motor van to drive the 6323
school bus or motor van, any instance in which the driver was 6324
convicted of or pleaded guilty to a violation of section 4511.19 6325
of the Revised Code or a substantially equivalent municipal 6326
ordinance prior to two years prior to July 1, 2007, shall not be 6327
considered a disqualifying event with respect to division (F) of 6328
this section. 6329

(J) (1) This division applies to persons hired by a school 6330
district, educational service center, community school, 6331
chartered nonpublic school, accredited nonpublic school as 6332
described in section 3301.165 of the Revised Code, or science, 6333
technology, engineering, and mathematics school established 6334
under Chapter 3326. of the Revised Code to operate a vehicle 6335
used for pupil transportation. 6336

For each person to whom this division applies who is hired 6337
on or after November 14, 2007, the employer shall request a 6338
criminal records check in accordance with section 3319.39 of the 6339
Revised Code and every six years thereafter. For each person to 6340
whom this division applies who is hired prior to that date, the 6341
employer shall request a criminal records check by a date 6342
prescribed by the department of education and every six years 6343
thereafter. 6344

(2) This division applies to persons hired by a public or 6345
private employer not described in division (J) (1) of this 6346
section to operate a vehicle used for pupil transportation. 6347

For each person to whom this division applies who is hired 6348

on or after November 14, 2007, the employer shall request a 6349
criminal records check prior to the person's hiring and every 6350
six years thereafter. For each person to whom this division 6351
applies who is hired prior to that date, the employer shall 6352
request a criminal records check by a date prescribed by the 6353
department and every six years thereafter. 6354

(3) Each request for a criminal records check under 6355
division (J) of this section shall be made to the superintendent 6356
of the bureau of criminal identification and investigation in 6357
the manner prescribed in section 3319.39 of the Revised Code, 6358
except that if both of the following conditions apply to the 6359
person subject to the records check, the employer shall request 6360
the superintendent only to obtain any criminal records that the 6361
federal bureau of investigation has on the person: 6362

(a) The employer previously requested the superintendent 6363
to determine whether the bureau of criminal identification and 6364
investigation has any information, gathered pursuant to division 6365
(A) of section 109.57 of the Revised Code, on the person in 6366
conjunction with a criminal records check requested under 6367
section 3319.39 of the Revised Code or under division (J) of 6368
this section. 6369

(b) The person presents proof that the person has been a 6370
resident of this state for the five-year period immediately 6371
prior to the date upon which the person becomes subject to a 6372
criminal records check under this section. 6373

Upon receipt of a request, the superintendent shall 6374
conduct the criminal records check in accordance with section 6375
109.572 of the Revised Code as if the request had been made 6376
under section 3319.39 of the Revised Code. However, as specified 6377
in division (B) (2) of section 109.572 of the Revised Code, if 6378

the employer requests the superintendent only to obtain any 6379
criminal records that the federal bureau of investigation has on 6380
the person for whom the request is made, the superintendent 6381
shall not conduct the review prescribed by division (B) (1) of 6382
that section. 6383

(K) (1) Until the effective date of the amendments to rule 6384
3301-83-23 of the Ohio Administrative Code required by the 6385
second paragraph of division (E) of section 3319.39 of the 6386
Revised Code, any person who is the subject of a criminal 6387
records check under division (J) of this section and has been 6388
convicted of or pleaded guilty to any offense described in 6389
division (B) (1) of section 3319.39 of the Revised Code shall not 6390
be hired or shall be released from employment, as applicable, 6391
unless the person meets the rehabilitation standards prescribed 6392
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 6393
Administrative Code. 6394

(2) Beginning on the effective date of the amendments to 6395
rule 3301-83-23 of the Ohio Administrative Code required by the 6396
second paragraph of division (E) of section 3319.39 of the 6397
Revised Code, any person who is the subject of a criminal 6398
records check under division (J) of this section and has been 6399
convicted of or pleaded guilty to any offense that, under the 6400
rule, disqualifies a person for employment to operate a vehicle 6401
used for pupil transportation shall not be hired or shall be 6402
released from employment, as applicable, unless the person meets 6403
the rehabilitation standards prescribed by the rule. 6404

Sec. 3365.01. As used in this chapter: 6405

(A) "Articulated credit" means post-secondary credit that 6406
is reflected on the official record of a student at an 6407
institution of higher education only upon enrollment at that 6408

institution after graduation from a secondary school. 6409

(B) "Default ceiling amount" means one of the following 6410
amounts, whichever is applicable: 6411

(1) For a participant enrolled in a college operating on a 6412
semester schedule, the amount calculated according to the 6413
following formula: 6414

$((0.83 \times \text{formula amount}) / 30)$ 6415

X number of enrolled credit hours 6416

(2) For a participant enrolled in a college operating on a 6417
quarter schedule, the amount calculated according to the 6418
following formula: 6419

$((0.83 \times \text{formula amount}) / 45)$ 6420

X number of enrolled credit hours 6421

(C) "Default floor amount" means twenty-five per cent of 6422
the default ceiling amount. 6423

(D) "Eligible out-of-state college" means any institution 6424
of higher education that is located outside of Ohio and is 6425
approved by the chancellor of higher education to participate in 6426
the college credit plus program. 6427

(E) "Fee" means any course-related fee and any other fee 6428
imposed by the college, but not included in tuition, for 6429
participation in the program established by this chapter. 6430

(F) "Formula amount" has the same meaning as in section 6431
3317.02 of the Revised Code. 6432

(G) "Governing entity" means a board of education of a 6433
school district, a governing authority of a community school 6434
established under Chapter 3314., a governing body of a STEM 6435

school established under Chapter 3326., or a board of trustees 6436
of a college-preparatory boarding school established under 6437
Chapter 3328. of the Revised Code. 6438

(H) "Home-instructed participant" means a student who has 6439
been excused from the compulsory attendance law for the purpose 6440
of home instruction under section 3321.04 of the Revised Code, 6441
and is participating in the program established by this chapter. 6442

(I) "Maximum per participant charge amount" means one of 6443
the following amounts, whichever is applicable: 6444

(1) For a participant enrolled in a college operating on a 6445
semester schedule, the amount calculated according to the 6446
following formula: 6447

((formula amount / 30) 6448

X number of enrolled credit hours) 6449

(2) For a participant enrolled in a college operating on a 6450
quarter schedule, the amount calculated according to the 6451
following formula: 6452

((formula amount / 45) 6453

X number of enrolled credit hours) 6454

(J) "Nonpublic secondary school" means a chartered school 6455
for which minimum standards are prescribed by the state board of 6456
education pursuant to division (D) of section 3301.07 of the 6457
Revised Code or an accredited nonpublic school as described in 6458
section 3301.165 of the Revised Code. 6459

(K) "Number of enrolled credit hours" means the number of 6460
credit hours for a course in which a participant is enrolled 6461
during the previous term after the date on which a withdrawal 6462

from a course would have negatively affected the participant's 6463
transcripted grade, as prescribed by the college's established 6464
withdrawal policy. 6465

(L) "Parent" has the same meaning as in section 3313.64 of 6466
the Revised Code. 6467

(M) "Participant" means any student enrolled in a college 6468
under the program established by this chapter. 6469

(N) "Partnering college" means a college with which a 6470
public or nonpublic secondary school has entered into an 6471
agreement in order to offer the program established by this 6472
chapter. 6473

(O) "Partnering secondary school" means a public or 6474
nonpublic secondary school with which a college has entered into 6475
an agreement in order to offer the program established by this 6476
chapter. 6477

(P) "Private college" means any of the following: 6478

(1) A nonprofit institution holding a certificate of 6479
authorization pursuant to Chapter 1713. of the Revised Code; 6480

(2) An institution holding a certificate of registration 6481
from the state board of career colleges and schools and program 6482
authorization for an associate or bachelor's degree program 6483
issued under section 3332.05 of the Revised Code; 6484

(3) A private institution exempt from regulation under 6485
Chapter 3332. of the Revised Code as prescribed in section 6486
3333.046 of the Revised Code. 6487

(Q) "Public college" means a "state institution of higher 6488
education" in section 3345.011 of the Revised Code, excluding 6489
the northeast Ohio medical university. 6490

(R) "Public secondary school" means a school serving 6491
grades nine through twelve in a city, local, or exempted village 6492
school district, a joint vocational school district, a community 6493
school established under Chapter 3314., a STEM school 6494
established under Chapter 3326., or a college-preparatory 6495
boarding school established under Chapter 3328. of the Revised 6496
Code. 6497

(S) "School year" has the same meaning as in section 6498
3313.62 of the Revised Code. 6499

(T) "Secondary grade" means any of grades nine through 6500
twelve. 6501

(U) "Standard rate" means the amount per credit hour 6502
assessed by the college for an in-state student who is enrolled 6503
in an undergraduate course at that college, but who is not 6504
participating in the college credit plus program, as prescribed 6505
by the college's established tuition policy. 6506

(V) "Transcripted credit" means post-secondary credit that 6507
is conferred by an institution of higher education and is 6508
reflected on a student's official record at that institution 6509
upon completion of a course. 6510

Sec. 3365.02. (A) There is hereby established the college 6511
credit plus program under which, beginning with the 2015-2016 6512
school year, a secondary grade student who is a resident of this 6513
state may enroll at a college, on a full- or part-time basis, 6514
and complete nonsectarian, nonremedial courses for high school 6515
and college credit. The program shall govern arrangements in 6516
which a secondary grade student enrolls in a college and, upon 6517
successful completion of coursework taken under the program, 6518
receives transcripted credit from the college. The following are 6519

not governed by the college credit plus program: 6520

(1) An agreement governing an early college high school 6521
program, provided the program meets the definition set forth in 6522
division (F) (2) of section 3313.6013 of the Revised Code and is 6523
approved by the superintendent of public instruction and the 6524
chancellor of higher education; 6525

(2) An advanced placement course or international 6526
baccalaureate diploma course, as described in divisions (A) (2) 6527
and (3) of section 3313.6013 of the Revised Code; 6528

(3) A career-technical education program that is approved 6529
by the department of education under section 3317.161 of the 6530
Revised Code and grants articulated credit to students 6531
participating in that program. However, any portion of an 6532
approved program that results in the conferral of transcribed 6533
credit upon the completion of the course shall be governed by 6534
the college credit plus program. 6535

(B) Any student enrolled in a public or nonpublic 6536
secondary school in the student's ninth, tenth, eleventh, or 6537
twelfth grade; any student enrolled in a nonchartered nonpublic 6538
secondary school in the student's ninth, tenth, eleventh, or 6539
twelfth grade; and any student who has been excused from the 6540
compulsory attendance law for the purpose of home instruction 6541
under section 3321.04 of the Revised Code and is the equivalent 6542
of a ninth, tenth, eleventh, or twelfth grade student, may 6543
participate in the program, if the student meets the applicable 6544
eligibility criteria in section 3365.03 of the Revised Code. If 6545
a nonchartered nonpublic secondary school student chooses to 6546
participate in the program, that student shall be subject to the 6547
same requirements as a home-instructed student who chooses to 6548
participate in the program under this chapter. 6549

(C) All public secondary schools and all public colleges 6550
shall participate in the program and are subject to the 6551
requirements of this chapter. Any nonpublic secondary school or 6552
private college that chooses to participate in the program shall 6553
also be subject to the requirements of this chapter. 6554

If an accredited nonpublic school, as described in section 6555
3301.165 of the Revised Code, chooses not to participate in the 6556
program and notifies the parents of each student at the time of 6557
the student's enrollment or re-enrollment of that choice, the 6558
school shall not be subject to the requirements of this chapter 6559
or to any rule adopted by the chancellor of higher education or 6560
the state board of education for purposes of the college credit 6561
plus program. 6562

(D) The chancellor, in accordance with Chapter 119. of the 6563
Revised Code and in consultation with the state superintendent, 6564
shall adopt rules governing the program. 6565

Sec. 3701.133. (A) The department of health shall make 6566
available on its web site information about the risks associated 6567
with meningococcal meningitis and hepatitis B, the availability 6568
of vaccines, and the effectiveness of the vaccines. The 6569
department shall provide written notice of the availability of 6570
meningococcal meningitis and hepatitis B information on the web 6571
site to all of the following: 6572

(1) Each city, local, exempted village, or joint 6573
vocational school district, as defined in Chapter 3311. of the 6574
Revised Code; 6575

(2) Each nonpublic school, whether chartered, accredited 6576
as described in section 3301.165 of the Revised Code, 6577
nonchartered, or nontax supported, that enrolls students in 6578

ninth grade or the equivalent educational level; 6579

(3) Each community school created under section 3314.01 of 6580
the Revised Code, that enrolls students in ninth grade or the 6581
equivalent educational level; 6582

(4) Each state institution of higher education, as defined 6583
in section 3345.011 of the Revised Code; 6584

(5) Each nonprofit institution of higher education, as 6585
defined in section 1713.55 of the Revised Code; 6586

(6) Each private career school, as defined in section 6587
3332.01 of the Revised Code. 6588

(B) In addition to the information provided for in 6589
division (A) of this section, the department of health shall 6590
make available on its web site, in a format suitable for 6591
downloading, a meningitis and hepatitis B vaccination status 6592
statement form for a student or, if the student is younger than 6593
eighteen years of age, the student's parent, to complete to 6594
disclose whether the student has been vaccinated against 6595
meningococcal meningitis and hepatitis B. The form shall include 6596
all of the following: 6597

(1) The information described in division (A) of this 6598
section and a means for the student or the student's parent to 6599
acknowledge having received and read the information; 6600

(2) A space for the student or the student's parent to 6601
indicate one of the following: 6602

(a) The student has been vaccinated against meningococcal 6603
meningitis, and the year the vaccination was given. 6604

(b) The student has not been vaccinated against 6605
meningococcal meningitis. 6606

(3) A space for the student or the student's parent to 6607
indicate one of the following: 6608

(a) The student has been vaccinated against hepatitis B, 6609
and the year the vaccination was given. 6610

(b) The student has not been vaccinated against hepatitis 6611
B. 6612

Sec. 3781.106. (A) The board of building standards shall 6613
adopt rules, in accordance with Chapter 119. of the Revised 6614
Code, for the use of a device by a staff member of a public or 6615
private school or institution of higher education that prevents 6616
both ingress and egress through a door in a school building, for 6617
a finite period of time, in an emergency situation, and during 6618
active shooter drills. The rules shall provide that the use of a 6619
device is permissible only if the device requires minimal steps 6620
to remove it after it is engaged. 6621

The rules shall provide that the administrative authority 6622
of a building notify the police chief, or equivalent, of the law 6623
enforcement agency that has jurisdiction over the building, and 6624
the fire chief, or equivalent, of the fire department that 6625
serves the political subdivision in which the building is 6626
located, prior to the use of such devices in a building. 6627

The rules may require that the device be visible from the 6628
exterior of the door. 6629

(B) The device described in division (A) of this section 6630
shall not be permanently mounted to the door. 6631

(C) Each public and private school and institution of 6632
higher education shall provide its staff members in-service 6633
training on the use of the device described in division (A) of 6634
this section. The school shall maintain a record verifying this 6635

training on file. 6636

(D) In consultation with the state board of education and 6637
the chancellor of higher education, the board shall determine 6638
and include in the rules a definition of "emergency situation." 6639
These rules shall apply to both existing and new school 6640
buildings. 6641

(E) As used in this section: 6642

(1) "Institution of higher education" means a state 6643
institution of higher education as defined in section 3345.011 6644
of the Revised Code, a private nonprofit college or university 6645
located in this state that possesses a certificate of 6646
authorization issued pursuant to Chapter 1713. of the Revised 6647
Code, or a school located in this state that possesses a 6648
certificate of registration and one or more program 6649
authorizations issued by the state board of career colleges and 6650
schools under Chapter 3332. of the Revised Code. 6651

(2) "Private school" means a chartered nonpublic school, 6652
an accredited nonpublic school as described in section 3301.165 6653
of the Revised Code, or a nonchartered nonpublic school. 6654

(3) "Public school" means any school operated by a school 6655
district board of education, any community school established 6656
under Chapter 3314. of the Revised Code, any STEM school 6657
established under Chapter 3326. of the Revised Code, and any 6658
college-preparatory boarding school established under Chapter 6659
3328. of the Revised Code. 6660

(4) "School building" means a structure used for the 6661
instruction of students by a public or private school or 6662
institution of higher education. 6663

Sec. 3781.11. (A) The rules of the board of building 6664

standards shall: 6665

(1) For nonresidential buildings, provide uniform minimum 6666
standards and requirements, and for residential buildings, 6667
provide standards and requirements that are uniform throughout 6668
the state, for construction and construction materials, 6669
including construction of industrialized units, to make 6670
residential and nonresidential buildings safe and sanitary as 6671
defined in section 3781.06 of the Revised Code; 6672

(2) Formulate such standards and requirements, so far as 6673
may be practicable, in terms of performance objectives, so as to 6674
make adequate performance for the use intended the test of 6675
acceptability; 6676

(3) Permit, to the fullest extent feasible, the use of 6677
materials and technical methods, devices, and improvements, 6678
including the use of industrialized units which tend to reduce 6679
the cost of construction and erection without affecting minimum 6680
requirements for the health, safety, and security of the 6681
occupants or users of buildings or industrialized units and 6682
without preferential treatment of types or classes of materials 6683
or products or methods of construction; 6684

(4) Encourage, so far as may be practicable, the 6685
standardization of construction practices, methods, equipment, 6686
material, and techniques, including methods employed to produce 6687
industrialized units; 6688

(5) Not require any alteration or repair of any part of a 6689
school building owned by a chartered nonpublic school or a city, 6690
local, exempted village, or joint vocational school district and 6691
operated in conjunction with any primary or secondary school 6692
program that is not being altered or repaired if all of the 6693

following apply: 6694

(a) The school building meets all of the applicable 6695
building code requirements in existence at the time of the 6696
construction of the building. 6697

(b) The school building otherwise satisfies the 6698
requirements of section 3781.06 of the Revised Code. 6699

(c) The part of the school building altered or repaired 6700
conforms to all rules of the board existing on the date of the 6701
repair or alteration. 6702

(6) Not require any alteration or repair to any part of a 6703
workshop or factory that is not otherwise being altered, 6704
repaired, or added to if all of the following apply: 6705

(a) The workshop or factory otherwise satisfies the 6706
requirements of section 3781.06 of the Revised Code. 6707

(b) The part of the workshop or factory altered, repaired, 6708
or added conforms to all rules of the board existing on the date 6709
of plan approval of the repair, alteration, or addition. 6710

(B) The rules of the board shall supersede and govern any 6711
order, standard, or rule of the division of industrial 6712
compliance in the department of commerce, division of the state 6713
fire marshal, the department of health, and of counties and 6714
townships, in all cases where such orders, standards, or rules 6715
are in conflict with the rules of the board, except that rules 6716
adopted and orders issued by the state fire marshal pursuant to 6717
Chapter 3743. of the Revised Code prevail in the event of a 6718
conflict. 6719

(C) The construction, alteration, erection, and repair of 6720
buildings including industrialized units, and the materials and 6721

devices of any kind used in connection with them and the heating 6722
and ventilating of them and the plumbing and electric wiring in 6723
them shall conform to the statutes of this state or the rules 6724
adopted and promulgated by the board, and to provisions of local 6725
ordinances not inconsistent therewith. Any building, structure, 6726
or part thereof, constructed, erected, altered, manufactured, or 6727
repaired not in accordance with the statutes of this state or 6728
with the rules of the board, and any building, structure, or 6729
part thereof in which there is installed, altered, or repaired 6730
any fixture, device, and material, or plumbing, heating, or 6731
ventilating system, or electric wiring not in accordance with 6732
such statutes or rules is a public nuisance. 6733

(D) As used in this section: 6734

(1) "Nonpublic school" means a chartered school for which 6735
minimum standards are prescribed by the state board of education 6736
pursuant to division (D) of section 3301.07 of the Revised Code 6737
or an accredited nonpublic school described in section 3301.165 6738
of the Revised Code. 6739

(2) "Workshop or factory" includes manufacturing, 6740
mechanical, electrical, mercantile, art, and laundering 6741
establishments, printing, telegraph, and telephone offices, 6742
railroad depots, and memorial buildings, but does not include 6743
hotels and tenement and apartment houses. 6744

Sec. 4729.513. A manufacturer of dangerous drugs may 6745
donate inhalers, as defined in section 3313.7113 of the Revised 6746
Code, and epinephrine autoinjectors to any of the following: 6747

(A) The board of education of a city, local, exempted 6748
village, or joint vocational school district; 6749

(B) A community school established under Chapter 3314. of 6750

the Revised Code; 6751

(C) A STEM school established under Chapter 3326. of the 6752
Revised Code; 6753

(D) A college-preparatory boarding school established 6754
under Chapter 3328. of the Revised Code; 6755

(E) A chartered, accredited, or nonchartered nonpublic 6756
school. As used in this section, "accredited nonpublic school" 6757
has the same meaning as in section 3301.165 of the Revised Code. 6758

Sec. 4729.541. (A) Except as provided in divisions (B) to 6759
(D) of this section, all of the following are exempt from 6760
licensure as a terminal distributor of dangerous drugs: 6761

(1) A licensed health professional authorized to prescribe 6762
drugs; 6763

(2) A business entity that is a corporation formed under 6764
division (B) of section 1701.03 of the Revised Code, a limited 6765
liability company formed under Chapter 1705. of the Revised 6766
Code, or a professional association formed under Chapter 1785. 6767
of the Revised Code if the entity has a sole shareholder who is 6768
a prescriber and is authorized to provide the professional 6769
services being offered by the entity; 6770

(3) A business entity that is a corporation formed under 6771
division (B) of section 1701.03 of the Revised Code, a limited 6772
liability company formed under Chapter 1705. of the Revised 6773
Code, a partnership or a limited liability partnership formed 6774
under Chapter 1775. of the Revised Code, or a professional 6775
association formed under Chapter 1785. of the Revised Code, if, 6776
to be a shareholder, member, or partner, an individual is 6777
required to be licensed, certified, or otherwise legally 6778
authorized under Title XLVII of the Revised Code to perform the 6779

professional service provided by the entity and each such 6780
individual is a prescriber; 6781

(4) An individual who holds a current license, 6782
certificate, or registration issued under Title XLVII of the 6783
Revised Code and has been certified to conduct diabetes 6784
education by a national certifying body specified in rules 6785
adopted by the state board of pharmacy under section 4729.68 of 6786
the Revised Code, but only with respect to insulin that will be 6787
used for the purpose of diabetes education and only if diabetes 6788
education is within the individual's scope of practice under 6789
statutes and rules regulating the individual's profession; 6790

(5) An individual who holds a valid certificate issued by 6791
a nationally recognized S.C.U.B.A. diving certifying 6792
organization approved by the state board of pharmacy under rules 6793
adopted by the board, but only with respect to medical oxygen 6794
that will be used for the purpose of emergency care or treatment 6795
at the scene of a diving emergency; 6796

(6) With respect to epinephrine autoinjectors that may be 6797
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 6798
or 3328.29 of the Revised Code, any of the following: the board 6799
of education of a city, local, exempted village, or joint 6800
vocational school district; a chartered, accredited, or 6801
nonchartered nonpublic school; a community school established 6802
under Chapter 3314. of the Revised Code; a STEM school 6803
established under Chapter 3326. of the Revised Code; or a 6804
college-preparatory boarding school established under Chapter 6805
3328. of the Revised Code. As used in this section, "accredited 6806
nonpublic school" has the same meaning as in section 3301.165 of 6807
the Revised Code. 6808

(7) With respect to epinephrine autoinjectors that may be 6809

possessed under section 5101.76 of the Revised Code, any of the 6810
following: a residential camp, as defined in section 2151.011 of 6811
the Revised Code; a child day camp, as defined in section 6812
5104.01 of the Revised Code; or a child day camp operated by any 6813
county, township, municipal corporation, township park district 6814
created under section 511.18 of the Revised Code, park district 6815
created under section 1545.04 of the Revised Code, or joint 6816
recreation district established under section 755.14 of the 6817
Revised Code; 6818

(8) With respect to epinephrine autoinjectors that may be 6819
possessed under Chapter 3728. of the Revised Code, a qualified 6820
entity, as defined in section 3728.01 of the Revised Code; 6821

(9) With respect to inhalers that may be possessed under 6822
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 6823
the Revised Code, any of the following: the board of education 6824
of a city, local, exempted village, or joint vocational school 6825
district; a chartered, accredited, or nonchartered nonpublic 6826
school; a community school established under Chapter 3314. of 6827
the Revised Code; a STEM school established under Chapter 3326. 6828
of the Revised Code; or a college-preparatory boarding school 6829
established under Chapter 3328. of the Revised Code; 6830

(10) With respect to inhalers that may be possessed under 6831
section 5101.77 of the Revised Code, any of the following: a 6832
residential camp, as defined in section 2151.011 of the Revised 6833
Code; a child day camp, as defined in section 5104.01 of the 6834
Revised Code; or a child day camp operated by any county, 6835
township, municipal corporation, township park district created 6836
under section 511.18 of the Revised Code, park district created 6837
under section 1545.04 of the Revised Code, or joint recreation 6838
district established under section 755.14 of the Revised Code; 6839

(11) With respect to naloxone that may be possessed under section 2925.61 of the Revised Code, a law enforcement agency and its peace officers;

(12) With respect to naloxone that may be possessed under section 4729.514 of the Revised Code, a service entity, as defined in that section;

(13) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency.

(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(C) If a person described in division (A) of this section is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the person shall hold a license with that classification.

(D) Any of the persons described in divisions (A) (1) to (12) of this section shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute any of the following:

(1) Dangerous drugs that are compounded or used for the purpose of compounding;

(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code.

Sec. 5104.01. As used in this chapter:	6869
(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person.	6870 6871 6872
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	6873 6874
(C) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.	6875 6876 6877 6878
(D) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:	6879 6880 6881
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	6882 6883 6884
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	6885 6886 6887
(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	6888 6889 6890 6891 6892 6893 6894 6895
(F) <u>(1)</u> "Chartered nonpublic school" means a school that	6896

meets standards for nonpublic schools prescribed by the state 6897
board of education for nonpublic schools pursuant to section 6898
3301.07 of the Revised Code. 6899

(2) "Accredited nonpublic school" has the same meaning as 6900
in section 3301.165 of the Revised Code. 6901

(G) "Child" includes an infant, toddler, preschool-age 6902
child, or school-age child. 6903

(H) "Child care block grant act" means the "Child Care and 6904
Development Block Grant Act of 1990," established in section 6905
5082 of the "Omnibus Budget Reconciliation Act of 1990," 104 6906
Stat. 1388-236 (1990), 42 U.S.C. 9858, as amended. 6907

(I) "Child day camp" means a program in which only school- 6908
age children attend or participate, that operates for no more 6909
than seven hours per day, that operates only during one or more 6910
public school district's regular vacation periods or for no more 6911
than fifteen weeks during the summer, and that operates outdoor 6912
activities for each child who attends or participates in the 6913
program for a minimum of fifty per cent of each day that 6914
children attend or participate in the program, except for any 6915
day when hazardous weather conditions prevent the program from 6916
operating outdoor activities for a minimum of fifty per cent of 6917
that day. For purposes of this division, the maximum seven hours 6918
of operation time does not include transportation time from a 6919
child's home to a child day camp and from a child day camp to a 6920
child's home. 6921

(J) "Child care" means all of the following: 6922

(1) Administering to the needs of infants, toddlers, 6923
preschool-age children, and school-age children outside of 6924
school hours; 6925

- (2) By persons other than their parents, guardians, or
custodians; 6926
6927
- (3) For any part of the twenty-four-hour day; 6928
- (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. 6929
6930
- (K) "Child day-care center" and "center" mean any place in 6931
which child care or publicly funded child care is provided for 6932
thirteen or more children at one time or any place that is not 6933
the permanent residence of the licensee or administrator in 6934
which child care or publicly funded child care is provided for 6935
seven to twelve children at one time. In counting children for 6936
the purposes of this division, any children under six years of 6937
age who are related to a licensee, administrator, or employee 6938
and who are on the premises of the center shall be counted. 6939
"Child day-care center" and "center" do not include any of the 6940
following: 6941
- (1) A place located in and operated by a hospital, as 6942
defined in section 3727.01 of the Revised Code, in which the 6943
needs of children are administered to, if all the children whose 6944
needs are being administered to are monitored under the on-site 6945
supervision of a physician licensed under Chapter 4731. of the 6946
Revised Code or a registered nurse licensed under Chapter 4723. 6947
of the Revised Code, and the services are provided only for 6948
children who, in the opinion of the child's parent, guardian, or 6949
custodian, are exhibiting symptoms of a communicable disease or 6950
other illness or are injured; 6951
- (2) A child day camp; 6952
- (3) A place that provides child care, but not publicly 6953
funded child care, if all of the following apply: 6954

- (a) An organized religious body provides the child care; 6955
- (b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times; 6956
6957
6958
- (c) The child care is not provided for more than thirty days a year; 6959
6960
- (d) The child care is provided only for preschool-age and school-age children. 6961
6962
- (L) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care. 6963
6964
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6966
- (M) "Child care resource and referral services" means all of the following services: 6967
6968
 - (1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data; 6969
6970
6971
 - (2) Provision of individualized consumer education to families seeking child care; 6972
6973
 - (3) Provision of timely referrals of available child care providers to families seeking child care; 6974
6975
 - (4) Recruitment of child care providers; 6976
 - (5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community; 6977
6978
6979
6980
 - (6) Collection and analysis of data on the supply of and 6981

demand for child care in the community;	6982
(7) Technical assistance concerning locally, state, and	6983
federally funded child care and early childhood education	6984
programs;	6985
(8) Stimulation of employer involvement in making child	6986
care more affordable, more available, safer, and of higher	6987
quality for their employees and for the community;	6988
(9) Provision of written educational materials to	6989
caretaker parents and informational resources to child care	6990
providers;	6991
(10) Coordination of services among child care resource	6992
and referral service organizations to assist in developing and	6993
maintaining a statewide system of child care resource and	6994
referral services if required by the department of job and	6995
family services;	6996
(11) Cooperation with the county department of job and	6997
family services in encouraging the establishment of parent	6998
cooperative child care centers and parent cooperative type A	6999
family day-care homes.	7000
(N) "Child-care staff member" means an employee of a child	7001
day-care center or type A family day-care home who is primarily	7002
responsible for the care and supervision of children. The	7003
administrator may be a part-time child-care staff member when	7004
not involved in other duties.	7005
(O) "Drop-in child day-care center," "drop-in center,"	7006
"drop-in type A family day-care home," and "drop-in type A home"	7007
mean a center or type A home that provides child care or	7008
publicly funded child care for children on a temporary,	7009
irregular basis.	7010

(P) "Employee" means a person who either:	7011
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	7012 7013
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	7014 7015
(Q) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center or type A family day-care home subject to licensure under this chapter.	7016 7017 7018 7019
(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	7020 7021 7022 7023 7024 7025
(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.	7026 7027 7028 7029 7030
(T) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	7031 7032 7033
(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance	7034 7035 7036 7037 7038 7039

with licensing requirements. 7040

(V) "Infant" means a child who is less than eighteen 7041
months of age. 7042

(W) "In-home aide" means a person who does not reside with 7043
the child but provides care in the child's home and is certified 7044
by a county director of job and family services pursuant to 7045
section 5104.12 of the Revised Code to provide publicly funded 7046
child care to a child in a child's own home pursuant to this 7047
chapter and any rules adopted under it. 7048

(X) "Instrument-based program monitoring information 7049
system" means a method to assess compliance with licensing 7050
requirements for child day-care centers, type A family day-care 7051
homes, and licensed type B family day-care homes in which each 7052
licensing requirement is assigned a weight indicative of the 7053
relative importance of the requirement to the health, growth, 7054
and safety of the children that is used to develop an indicator 7055
checklist. 7056

(Y) "License capacity" means the maximum number in each 7057
age category of children who may be cared for in a child day- 7058
care center or type A family day-care home at one time as 7059
determined by the director of job and family services 7060
considering building occupancy limits established by the 7061
department of commerce, amount of available indoor floor space 7062
and outdoor play space, and amount of available play equipment, 7063
materials, and supplies. For the purposes of a provisional 7064
license issued under this chapter, the director shall also 7065
consider the number of available child-care staff members when 7066
determining "license capacity" for the provisional license. 7067

(Z) "Licensed child care program" means any of the 7068

following: 7069

(1) A child day-care center licensed by the department of 7070
job and family services pursuant to this chapter; 7071

(2) A type A family day-care home or type B family day- 7072
care home licensed by the department of job and family services 7073
pursuant to this chapter; 7074

(3) A licensed preschool program or licensed school child 7075
program. 7076

(AA) "Licensed preschool program" or "licensed school 7077
child program" means a preschool program or school child 7078
program, as defined in section 3301.52 of the Revised Code, that 7079
is licensed by the department of education pursuant to sections 7080
3301.52 to 3301.59 of the Revised Code. 7081

(BB) "Licensed type B family day-care home" and "licensed 7082
type B home" mean a type B family day-care home for which there 7083
is a valid license issued by the director of job and family 7084
services pursuant to section 5104.03 of the Revised Code. 7085

(CC) "Licensee" means the owner of a child day-care 7086
center, type A family day-care home, or type B family day-care 7087
home that is licensed pursuant to this chapter and who is 7088
responsible for ensuring its compliance with this chapter and 7089
rules adopted pursuant to this chapter. 7090

(DD) "Operate a child day camp" means to operate, 7091
establish, manage, conduct, or maintain a child day camp. 7092

(EE) "Owner" includes a person, as defined in section 1.59 7093
of the Revised Code, or government entity. 7094

(FF) "Parent cooperative child day-care center," "parent 7095
cooperative center," "parent cooperative type A family day-care 7096

home," and "parent cooperative type A home" mean a corporation 7097
or association organized for providing educational services to 7098
the children of members of the corporation or association, 7099
without gain to the corporation or association as an entity, in 7100
which the services of the corporation or association are 7101
provided only to children of the members of the corporation or 7102
association, ownership and control of the corporation or 7103
association rests solely with the members of the corporation or 7104
association, and at least one parent-member of the corporation 7105
or association is on the premises of the center or type A home 7106
during its hours of operation. 7107

(GG) "Part-time child day-care center," "part-time 7108
center," "part-time type A family day-care home," and "part-time 7109
type A home" mean a center or type A home that provides child 7110
care or publicly funded child care for not more than four hours 7111
a day for any child or not more than fifteen consecutive weeks 7112
per year, regardless of the number of hours per day. 7113

(HH) "Place of worship" means a building where activities 7114
of an organized religious group are conducted and includes the 7115
grounds and any other buildings on the grounds used for such 7116
activities. 7117

(II) "Preschool-age child" means a child who is three 7118
years old or older but is not a school-age child. 7119

(JJ) "Protective child care" means publicly funded child 7120
care for the direct care and protection of a child to whom 7121
either of the following applies: 7122

(1) A case plan prepared and maintained for the child 7123
pursuant to section 2151.412 of the Revised Code indicates a 7124
need for protective care and the child resides with a parent, 7125

stepparent, guardian, or another person who stands in loco 7126
parentis as defined in rules adopted under section 5104.38 of 7127
the Revised Code; 7128

(2) The child and the child's caretaker either temporarily 7129
reside in a facility providing emergency shelter for homeless 7130
families or are determined by the county department of job and 7131
family services to be homeless, and are otherwise ineligible for 7132
publicly funded child care. 7133

(KK) "Publicly funded child care" means administering to 7134
the needs of infants, toddlers, preschool-age children, and 7135
school-age children under age thirteen during any part of the 7136
twenty-four-hour day by persons other than their caretaker 7137
parents for remuneration wholly or in part with federal or state 7138
funds, including funds available under the child care block 7139
grant act, Title IV-A, and Title XX, distributed by the 7140
department of job and family services. 7141

(LL) "Religious activities" means any of the following: 7142
worship or other religious services; religious instruction; 7143
Sunday school classes or other religious classes conducted 7144
during or prior to worship or other religious services; youth or 7145
adult fellowship activities; choir or other musical group 7146
practices or programs; meals; festivals; or meetings conducted 7147
by an organized religious group. 7148

(MM) "School-age child" means a child who is enrolled in 7149
or is eligible to be enrolled in a grade of kindergarten or 7150
above but is less than fifteen years old. 7151

(NN) "School-age child care center" and "school-age child 7152
type A home" mean a center or type A home that provides child 7153
care for school-age children only and that does either or both 7154

of the following: 7155

(1) Operates only during that part of the day that 7156
immediately precedes or follows the public school day of the 7157
school district in which the center or type A home is located; 7158

(2) Operates only when the public schools in the school 7159
district in which the center or type A home is located are not 7160
open for instruction with pupils in attendance. 7161

(OO) "Serious risk noncompliance" means a licensure or 7162
certification rule violation that leads to a great risk of harm 7163
to, or death of, a child, and is observable, not inferable. 7164

(PP) "State median income" means the state median income 7165
calculated by the department of development pursuant to division 7166
(A) (1) (g) of section 5709.61 of the Revised Code. 7167

(QQ) "Title IV-A" means Title IV-A of the "Social Security 7168
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 7169

(RR) "Title XX" means Title XX of the "Social Security 7170
Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 7171

(SS) "Toddler" means a child who is at least eighteen 7172
months of age but less than three years of age. 7173

(TT) "Type A family day-care home" and "type A home" mean 7174
a permanent residence of the administrator in which child care 7175
or publicly funded child care is provided for seven to twelve 7176
children at one time or a permanent residence of the 7177
administrator in which child care is provided for four to twelve 7178
children at one time if four or more children at one time are 7179
under two years of age. In counting children for the purposes of 7180
this division, any children under six years of age who are 7181
related to a licensee, administrator, or employee and who are on 7182

the premises of the type A home shall be counted. "Type A family
day-care home" and "type A home" do not include any child day
camp.

(UU) "Type B family day-care home" and "type B home" mean
a permanent residence of the provider in which child care is
provided for one to six children at one time and in which no
more than three children are under two years of age at one time.
In counting children for the purposes of this division, any
children under six years of age who are related to the provider
and who are on the premises of the type B home shall be counted.
"Type B family day-care home" and "type B home" do not include
any child day camp.

Sec. 5104.02. (A) The director of job and family services
is responsible for the licensing of child day-care centers and
type A family day-care homes. Each entity operating a head start
program shall meet the criteria for, and be licensed as, a child
day-care center. The director is responsible for the enforcement
of this chapter and of rules promulgated pursuant to this
chapter.

No person, firm, organization, institution, or agency
shall operate, establish, manage, conduct, or maintain a child
day-care center or type A family day-care home without a license
issued under section 5104.03 of the Revised Code. The current
license shall be posted in a conspicuous place in the center or
type A home that is accessible to parents, custodians, or
guardians and employees of the center or type A home at all
times when the center or type A home is in operation.

(B) A person, firm, institution, organization, or agency
operating any of the following programs is exempt from the
requirements of this chapter:

(1) A program of child care that operates for two or less consecutive weeks;	7213 7214
(2) Child care in places of worship during religious activities during which children are cared for while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available;	7215 7216 7217 7218
(3) Religious activities which do not provide child care;	7219
(4) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; gymnastics, swimming, or another athletic skill or sport; computers; or an educational subject conducted on an organized or periodic basis no more than one day a week and for no more than six hours duration;	7220 7221 7222 7223 7224 7225
(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child care and is readily accessible at all times, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;	7226 7227 7228 7229 7230 7231 7232
(6) (a) Programs that provide child care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.	7233 7234 7235 7236 7237 7238 7239
Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of	7240 7241

job and family services a copy of the rules that govern programs 7242
that provide child care and are regulated or operated and 7243
regulated by the department. Annually, each state department 7244
shall submit to the director a report for each such program it 7245
regulates or operates and regulates that includes the following 7246
information: 7247

(i) The site location of the program; 7248

(ii) The maximum number of infants, toddlers, preschool- 7249
age children, or school-age children served by the program at 7250
one time; 7251

(iii) The number of adults providing child care for the 7252
number of infants, toddlers, preschool-age children, or school- 7253
age children; 7254

(iv) Any changes in the rules made subsequent to the time 7255
when the rules were initially submitted to the director. 7256

The director shall maintain a record of the child care 7257
information submitted by other state departments and shall 7258
provide this information upon request to the general assembly or 7259
the public. 7260

(b) Child care programs conducted by boards of education 7261
or by chartered or accredited nonpublic schools that are 7262
conducted in school buildings and that provide child care to 7263
school-age children only shall be exempt from meeting or 7264
exceeding rules promulgated pursuant to this chapter. 7265

(7) Any preschool program or school child program, except 7266
a head start program, that is subject to licensure by the 7267
department of education under sections 3301.52 to 3301.59 of the 7268
Revised Code. 7269

(8) Any program providing child 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 for kindergarten only or an accredited nonpublic school:

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five or is an accredited nonpublic school;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code.

(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal child care, which is child care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised

activities: educational, recreational, culturally enriching, 7298
social, and personal development activities. 7299

(d) The program is eligible for participation in the child 7300
and adult care food program as an outside-school-hours care 7301
center pursuant to standards established under section 3313.813 7302
of the Revised Code. 7303

(e) The community-based center operating the program is 7304
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 7305
and (c)(3). 7306

(10) A preschool program operated by a nonchartered, 7307
nontax-supported school if the preschool program meets all of 7308
the following conditions: 7309

(a) The program complies with state and local health, 7310
fire, and safety laws. 7311

(b) The program annually certifies in a report to the 7312
parents of its pupils that the school is in compliance with 7313
division (B)(10)(a) of this section and files a copy of the 7314
report with the department of job and family services on or 7315
before the thirtieth day of September of each year. 7316

(c) The program complies with all applicable reporting 7317
requirements in the same manner as required by the state board 7318
of education for nonchartered, nonpublic primary and secondary 7319
schools. 7320

(d) The program is associated with a nonchartered, nontax- 7321
supported primary or secondary school. 7322

Sec. 5139.18. (A) Except with respect to children who are 7323
granted a judicial release to court supervision pursuant to 7324
division (B) or (D) of section 2152.22 of the Revised Code, the 7325

department of youth services is responsible for locating homes 7326
or jobs for children released from its institutions, for 7327
supervision of children released from its institutions, and for 7328
providing or arranging for the provision to those children of 7329
appropriate services that are required to facilitate their 7330
satisfactory community adjustment. Regional administrators 7331
through their staff of parole officers shall supervise children 7332
paroled or released to community supervision in a manner that 7333
insures as nearly as possible the children's rehabilitation and 7334
that provides maximum protection to the general public. 7335

(B) The department of youth services shall exercise 7336
general supervision over all children who have been released on 7337
placement from any of its institutions other than children who 7338
are granted a judicial release to court supervision pursuant to 7339
division (B) or (D) of section 2152.22 of the Revised Code. The 7340
director of youth services, with the consent and approval of the 7341
board of county commissioners of any county, may contract with 7342
the public children services agency of that county, the 7343
department of probation of that county established pursuant to 7344
section 2301.27 of the Revised Code, or the probation department 7345
or service established pursuant to sections 2151.01 to 2151.54 7346
of the Revised Code for the provision of direct supervision and 7347
control over and the provision of supportive assistance to all 7348
children who have been released on placement into that county 7349
from any of its institutions, or, with the consent of the 7350
juvenile judge or the administrative judge of the juvenile court 7351
of any county, contract with any other public agency, 7352
institution, or organization that is qualified to provide the 7353
care and supervision that is required under the terms and 7354
conditions of the child's treatment plan for the provision of 7355
direct supervision and control over and the provision of 7356

supportive assistance to all children who have been released on 7357
placement into that county from any of its institutions. 7358

(C) A juvenile parole officer shall furnish to a child 7359
placed on community control under the parole officer's 7360
supervision a statement of the conditions of parole and shall 7361
instruct the child regarding them. The parole officer shall keep 7362
informed concerning the conduct and condition of a child under 7363
the parole officer's supervision and shall report on the child's 7364
conduct to the judge as the judge directs. A parole officer 7365
shall use all suitable methods to aid a child on community 7366
control and to improve the child's conduct and condition. A 7367
parole officer shall keep full and accurate records of work done 7368
for children under the parole officer's supervision. 7369

(D) In accordance with division (D) of section 2151.14 of 7370
the Revised Code, a court may issue an order requiring boards of 7371
education, governing bodies of chartered and accredited 7372
nonpublic schools, public children services agencies, private 7373
child placing agencies, probation departments, law enforcement 7374
agencies, and prosecuting attorneys that have records related to 7375
the child in question to provide copies of one or more specified 7376
records, or specified information in one or more specified 7377
records, that the individual or entity has with respect to the 7378
child to the department of youth services when the department 7379
has custody of the child or is performing any services for the 7380
child that are required by the juvenile court or by statute, and 7381
the department requests the records in accordance with division 7382
(D) (3) (a) of section 2151.14 of the Revised Code. 7383

As used in this division, "accredited nonpublic school" 7384
means a nonpublic school described in section 3301.165 of the 7385
Revised Code. 7386

(E) Whenever any placement official has reasonable cause 7387
to believe that any child released by a court pursuant to 7388
section 2152.22 of the Revised Code has violated the conditions 7389
of the child's placement, the official may request, in writing, 7390
from the committing court or transferee court a custodial order, 7391
and, upon reasonable and probable cause, the court may order any 7392
sheriff, deputy sheriff, constable, or police officer to 7393
apprehend the child. A child so apprehended may be confined in 7394
the detention facility of the county in which the child is 7395
apprehended until further order of the court. If a child who was 7396
released on supervised release by the release authority of the 7397
department of youth services or a child who was granted a 7398
judicial release to department of youth services supervision 7399
violates the conditions of the supervised release or judicial 7400
release, section 5139.52 of the Revised Code applies with 7401
respect to that child. 7402

Section 2. That existing sections 921.06, 955.43, 3301.07, 7403
3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 7404
3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 7405
3312.09, 3313.206, 3313.41, 3313.48, 3313.481, 3313.482, 7406
3313.536, 3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 7407
3313.717, 3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 7408
3313.813, 3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 7409
3317.062, 3317.063, 3317.13, 3319.311, 3319.313, 3319.314, 7410
3319.317, 3319.39, 3319.391, 3319.392, 3319.40, 3319.52, 7411
3321.01, 3326.01, 3326.03, 3326.032, 3326.04, 3326.09, 3327.07, 7412
3327.10, 3365.01, 3365.02, 3701.133, 3781.106, 3781.11, 7413
4729.513, 4729.541, 5104.01, 5104.02, and 5139.18 of the Revised 7414
Code are hereby repealed. 7415

Section 3. (A) The Speaker of the House of Representatives 7416
and the President of the Senate shall appoint a joint committee 7417

of the General Assembly to study the effects of the creation of 7418
accredited nonpublic schools by this act. The committee shall 7419
consist of the following six members: 7420

(1) The chairperson of the standing committee of the House 7421
of Representatives principally responsible for primary and 7422
secondary education policy; 7423

(2) The chairperson of the standing committee of the 7424
Senate principally responsible for primary and secondary 7425
education policy; 7426

(3) Two other members of the House of Representatives 7427
appointed by the Speaker, one of whom is from the majority party 7428
and one of whom is from the minority party; 7429

(4) Two other members of the Senate appointed by the 7430
President, one of whom is from the majority party and one of 7431
whom is from the minority party. 7432

(B) In completing the study required under this section, 7433
the committee shall compare data from accredited nonpublic 7434
schools before and after the effective date of this act. The 7435
committee also shall compare data of accredited schools to other 7436
public schools and private school associations, as available. 7437
The committee shall compare aggregate data on all of the 7438
following: 7439

(1) Remediation rates; 7440

(2) SAT and ACT test scores; 7441

(3) College acceptance and attendance rates; 7442

(4) Results of other standardized tests for lower grade 7443
levels. 7444

(C) Not later than two years after the effective date of 7445
this section, the committee shall submit a report to the General 7446
Assembly in accordance with section 101.68 of the Revised Code 7447
that includes recommendations on expanding the designation to 7448
chartered nonpublic schools not accredited by the Independent 7449
Schools Association of the Central States. The report also shall 7450
include criteria that should be used to qualify chartered 7451
nonpublic schools for such an expansion. 7452

Section 4. Nothing in this act shall be construed to give 7453
preference or heightened approval of a chartered nonpublic 7454
school accredited by the Independent Schools Association of the 7455
Central States over a chartered nonpublic school accredited by 7456
any other association or organization. 7457

Section 5. Section 3317.03 of the Revised Code is 7458
presented in this act as a composite of the section as amended 7459
by both Sub. H.B. 113 and Sub. H.B. 158 of the 131st General 7460
Assembly. The General Assembly, applying the principle stated in 7461
division (B) of section 1.52 of the Revised Code that amendments 7462
are to be harmonized if reasonably capable of simultaneous 7463
operation, finds that the composite is the resulting version of 7464
the section in effect prior to the effective date of the section 7465
as presented in this act. 7466